198

SUPREME COURT OF THE UNITED STATES,

No. 123.

TERENCE COUSIN, Pl'ff. in Er.

vs.

FANNY LABATUT,

Widow and Testamentary Executrix, Jules A. Blanc, Co-Exe'r and all Legal Representatives of Evarstie Blanc.

IN ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

INDEX.

		Original.	Print.
	Petition,	1	5
	" In French,	2	6
	Citation and Return,	4	8
Document A. B.	Plat and Survey of Concession to G. Dubertran,	5	9
" A. B.	Sale from Alpunte to Blanc.	6	10
	Answer of T. Cousin,	8	12
" M.	Certificate of Confirmation (by Cosby & Skipwith,)	9	13
" N.	Order of Survey (by Rennells & Kinchen,)	10	14
" O.	Plat and Survey by G. C. Vanzandt,	11	15
	Order appointing Harper, Surveyor,	12	16
	Order for defendant to file papers,	12	16
	Commission to Surveyor Harper, & Sheriff's Return,	13	17
	Pl'tiff's Order for delivery of Papers & Titles to Surveyor,	13	18
	Order to file Answer to Reconvention,	14	18
	Answer of Pl'tff to Reconvention, & Plt'ff's call in War'nty	14	18
	Order on Answer to Warranty,	16	20
	Report of Surveyor Harper,	16	20
	Field Notes and Survey of Harper,	17 & 18	21
	Opposition of Plaintiff to Survey,	19	24
	Order directing a new and further Survey,	20	25
	Re-appointment of Harper as Surveyor,	20	25
	Sheriff's Return on above,	21	26
	Rule and Order for Oyer,	21	26
	7 Citations to Warrantors and Sheriff's Returns,	21 to 26	27
	Answer of Warrantor Dufossat to call in Warranty,	26	32
	Order for Citation,	26	33
	Citation for C. F. Daunoy, Warrantor, and Return,	27	34

		Original.	Print.
	Exception of F. R. Alpuente, War'ntor, to call in War'nty	27	35
	Order for Assignment,	28	36
	Order appointing Gillespie, Surveyor, &c.	28	36
	Order on Deposition of Bringier,	28	36
	Order in relation to Gillespie's Plat of Survey,	29	36
	Oath of Surveyor Gillespie,	29	37
	Assignment,	29	37
	Jury Organized,	29	37
	Note of Evidence,	29	38
Plt'ffs. Evidence.	Documents AB. C. D. E. F. H. h. I. J. K. & L. and reference to Am. State papers vol. 3, page 448	30	38
" "	Deposition of Daniel Edwards,	30	38
Defdt's Evidence.	Documents M. N. (& objections of Ptl'ff to introduction doc'nts. O. P. Q. R. S. & Harpers' Survey and objections, &c.	30 31	39 39
" "	Deposition of Francis Cousin, Jr.	31	39
" "	" Isidore Galatas,	32	40
" "	" Thomas B. Harper,	32	41
" "	" Eugene Pichon,	33	42
" "	" Avell Pichon,	34	42
" "	" John Gusman,	34	42
" "	" Abraham Penn,	34	43
" "	" Seymour Bethancour,	35	43
Pltffs Rebt'g do.	Letter of Harper and Doc's. T. & W. Exception to above,	35	43
" " "	Transfer of Rene & Cert. of Register excepted to and sustained,	35	44
	Plea of Prescription by Plaintiff,	35	44
" " "	Deposition of Paris Childress,	36	44
Defdt's Evidence.	Document W. 2 documents certified by H. B. Cenas from Land Office in N. O., and document X. objected to and objection overruled,	36	44
	Order sustaining Exception of Warrantor,	36	45
	" Fining S. Bethancourt, a witness,	37	45
	Order and Continuance,	37	45
	Order allowing Plt'ff to file plea of Prescription,	37	46
Plt'ffs Evidence.			
Document C.	Copy of Receiver's Receipt to F. Alpuente,	38	46
" E.	Sale from Dufossat & Beauregard to Blanc,	38 to 42	47
" F.	Sale from C. F. Daunoy to J. S. Dufossat,	42 to 44	50
" G.	Donation from Girod to Daunoy & Minors Beauregard	44 & 45	53
" H.	Sale from F. Heralt to N. Girod,	46	54
" h.	Power Att'y from Widow & Heirs Toledano to F. Herault,	47	55
" I.	Sale from G. Dubertrand to Manuel Toledano,	48	56
" J.	Testimony of Bringier (under commission,)	49 to 51	58
" K.	Certificates of Amos Kent, Register, to Extracts,	51 & 52	60
Defd't Evidence.			
Document M.	Certificate of Confirmation,	9	62
" N.	Order of Survey,	10	62
" O.	Plat and Survey, (Vanzandt's,)	11	62

			Original	Print.
"	P.	Sale from Carriere to F. Cousin, - - -	52 to 56	62
"	Q.	Sale from F. Cousin & al to Louis Donet, - -	56 & 57	65
"	R.	Sheriff's Sale in succession of Louis Donet to T. Cousin	57 to 60	67
"	S.	Sale from Terrence Carriere to Terence Cousin,	60 & 61	70
		Report of J. Butterfield, Com'r of Gen'l Land Office,	61 to 63	71
		Letter of Thos. B. Harper, - - -	63	73
"	T.	Copy of Notice of Claim of Fs. Cousin No. 21, by Amos Kent,	63 & 64	73
"	W.	Petition of F. Cousin and Evidence of Claim No. 21,	64 & 65	74
		Plea of Prescription of Plaintiff as to title R.,	65 & 66	76
		Plaintiff's Affidavit for continuance, - - -	66	77
		Release of F. Cousin, witness, for defft. - -	67	77
		Petition of S. Cousin, annexed to document W. -	67	78
		Affidavit of Laurent, annexed to above, - -	68	79
		Answer to Oyer, - - - - - - -	69	80
"	X.	Cer'fied Extract by R. de Armas Reg'r L'd Office N. O.	69	80
	"	do do " H. B. Cenas, " " " "	69	80
	"	do do " do " " " "	69 & 70	80
		Certified copy of Notice and Evidence in support of Claim No. 21, by Amos Kent, Register of Land Office Greensburg,	70 & 71	83
		Process Verbal of Survey by Gillespie, - -	71 to 73	83
		Surveyor's Bill annexed, - - - - -	73	85
		Deft's Bill of Excep'n No. 1 and motion to amend -	73	86
		do do on A Penn's Evidence, -	74	86
		Verdict of the Jury, - - - - - -	74	87
		Judgment, - - - - - - - -	75	87
		Motion for a New Trial, - - - - -	75	88
		New Trial Refused, - - - - - -	75	88
		Motion for Appeal, - - - - - -	75	88
		Order Granting Appeal, - - - - -	75	89
		Appeal Bond, - - - - - - -	76	89
Document	D.	Map of Township 9, - - - - - -	77	90
"	L.	Township Map (referred to in title R.) - - -	78	91
"	H.	Old Map of Township 9, - - - -	79	93
		Map of Re-Survey of Township 9, - - -	80	94
		Petition of Appeal English & French, - - -	81	96
		Order allowing Appeal, - - - - - -	81	99
		Appeal Bond, - - - - - - -	82	96
		9 Citations of Appeal and Sheriff's Returns, -	82 to 88	97
"	No. 1.	Notice of Claim of F. Cousin, Certificate of C. Trudeau, and Evidence in support of Claim,	88 to 91	105
"	" 2.	Plat of Harper's Survey, - - - - -	91	108
"	" 3.	Plat of Gillespie's do - - - - -	92	110
		Clerk's Certificate and endorsement of Transcript,	93	110
		PROCEEDINGS IN THE SUPREME COURT.		
		Order to make parties,	93	111
		Motion to dismiss appeal,	94	111
		Answer of Widow and Heirs of E. Blanc,	95	112

	Original.	Print
Extract from the minutes,	95	113
Opinion and Decree,	95 to 101	113
Petition to amend Judgment,	101	119
Application for a re-hearing,	102 to 105	120
Reply of A. Hennen to above Application,	105 to 108	123
Order refusing re-hearing and prayer to amend,	108	126
Copy of Gillespie's Plat of Survey,	109	126
Copy of Harper's do do,	110	128
Petition for a Writ of Error,	111	130
Order thereon,	112	131
Bond for a Writ of Error,	112 &113	131

TRANSLATIONS.

Document A B.	Translation No. 1	114	133
" A B.	do " 2	114	133
" E.	do " 3	116	135
" F.	do " 4	120	138
" G.	do " 5	122	141
" H.	do " 6	123	142
" h.	do " 7	124	143
" I.	do " 8	125	144
" K.	do " 9	126	145
" P.	do " 10	127	145
" R.	do " 11	130	149
" W.	do " 12	133	151
" X.	do " 13	134	152
" "	do " 14	134	153
" "	do " 15	134	153
" "	do " 16	135	153
" No. 1.	do " 17	88	154
	Clerk's Certificate.	138	156

State of Louisiana.
8th District Court. Parish St. Tammany. No. 247.

EVARISTE BLANC,

vs.

TÉRENCE COUSIN.

(*Petition.*)

LOUISIANA.
8TH JUDICIAL DISTRICT,
PARISH OF ST. TAMMANY.

To the Honorable the Judge of the District Court for the 8th Judicial District of the State of Louisiana, holding Sessions in and for the Parish of St. Tammany.

The petition of Evariste Blanc, of the city of New Orleans, respectfully sheweth:

That your petitioner is the owner of a tract of land containing twelve hundred and fifty superficial arpents, situated in the forks of the Bayous Liberty and Paquet, in the Parish of St. Tammany by divers mesne conveyances from Gabriel Dubertrand for whom it was surveyed, on the 22d September 1803, by virtue of an order bearing date the 13th September, 1803, of J. V. Morales, as the same is set forth more particularly and fully, in the annexed certified copy of the plan and survey thereof, to which for greater certainty yourpetitioner refers, and in the possession of which your petitioner now is, as have been the several owners thereof from the said Gabriel Dubertrand down to your petitioner.

Furthermore your petitioner shows that he is the owner of two lots of land, purchased from the succession of Francis Alpuente, by act passed on the 4th of March, 1844, before Charles Boudorsquie, Notary Public of New Orleans, of which a certified copy is annexed for reference and greater certainty, said two lots being situated between the Bayous Lacombe and Bonfouca, in the parish of St. Tammany, and containing two hundred and thirty acres and 88–100, which said tract of twelve hundred and forty arpents, and two lots of 222 80–100 acres, border in part on lands claimed by Térence Cousin of the said Parish of St. Tammany, but the lines have been obliterated and the boundaries have been destroyed; and it is necessary to have the same renewed under the order of your Honorable Court, so far as regards the boundaries which separate the land of your petitioner from that now in the possession of the said Térence Cousin, and claimed under titles unknown to your petitioner, if any he hath.

Your petitioner further shews, that the said Térence Cousin has cut much wood and timber off the land above described, and injured your petitioner, within the past year, to the amount of five hundred dollars, by trespassing on said land; and he now sets up claim to some part of said land of your petitioner, but without any legal title thereto, and he threatens to commit further trespass and waste on the lands aforesaid of your petitioner.

Wherefore, your petitioner prays that the said Térence Cousin may be cited to answer this petition, that he may produce his titles to the land claimed by him, if any he hath, and that a Surveyor may be appointed to survey the lands of your petitioner and those of the said Térence Cousin, according to the titles; that boundaries may be fixed by said Surveyor according to the claim and titles of your petitioner, so as to distinguish and separate the property of your petitioner from that claimed by the defendant, that the defendant may be condemned to pay your petitioner five hundred dollars damages for the trespasses aforesaid; and that all other and further relief may be extended to your petitioner which the case may require.

(Signed) ALFRED HENNEN,
Att'y. for Plt'ff.

(*Endorsed.*)

No. 247. 8th Judicial District. Evariste Blanc vs. Térence Cousin.

A. HENNEN,
Attorney.

Filed 28th April, 1851.

W. B. HOSMER,
Clerk.

I am security for costs.

ALFRED HENNEN.

(*Petition in French.*)

LOUISIANE.
8E. DISTRICT JUDICIAIRE,
PAROISSE DE ST. TAMMANY.

A l'Honorable Juge de la Cour de District du 8e. District Judiciaire de l'Etat de la Louisiane, séant en la Paroisse de St. Tammany et pour icelle.

La pétition d'Evariste Blanc, demeurant à la Nouvelle Orleans alleque et expose:

Que le demandeur est propriétaire d'un morceau de terre contenant douze cent cinquante aspens superficiels, situé auz fouches des Bayous Liberté et Paquete, en la Paroisse de St. Tammany, au moyen de

diverses alienations, commençant a Gabriel Dubertrand, pour lequel le dit morceau de terre fut Carpenté le 22 Fbre., 1803' en vertu du'n ordre émané de J. V. Morales et portant la date du 13 Fbre., 1803, ainsi qu'on le pourra voir avec plus de certitude en consultant la copie certifiée conforme du plan d'arpentage annexeé à la presente petition, et le demandeur alléque qu'il est en possession du dit morceau de terre ainsi que l'ont été ses auteurs jusqú à lui. En sus alléque le demandeur qu'il est propriétaire de deux terrains pour les avoir acquis de la succession de François Alpuente, par acte passé le 4 Mars 1844, parderant Charles Boudousquié, Notaire Public, à la résidence de la Nouvelle Orléans, du quel acte, une expédition certifieé conforme, est ci-annexeè pour recours ; que les dits terrains sont sis entre les Bayous Lacombe et Bonfouca, dans la Paroisse de St. Tammany, et contiennent deux cent trente acres & 80–100 ; que le dit morceau de terre de Douze cent quarante arpens et les dits terrains de deux cent vingt-deux acres & 80–100, sont contigus en partie a des terres dont Térence Cousin demeurant dans la dite paroisse de St. Tammany, se dit propriétaire ; que les lignes de démarcation se trouvent aujourd'hui effacéss et ses bornes de'truites ; enfin qu'il est nèecssaire de rétablir les dites lignes et bornes. D'aprés la sentance de cette honorable Cour en ce qui concerne les lignes et bornes qui sèparent les terres du demandeur de celles dont le dit Térence Cousin est aujourd' hui en possession, et qu'il dit siennes, en verto de titres, si titres il y a, inconnus au dit demandeur.

En sus alléque le demandeur, que le dit Térence Cousin a coupé beaucoup de bois de construction et de chauffage sur les terres susdècrites, et qu'il est résulté des usurpations du dit Cousin au dit demandeur cinq cents piastres de dommages ; qne le dit Cousin se porte propriétaire d'une partie des terres du demandeur, mais sans droit ni titre ; enfiin qu'il menace de poursuivre ses usurpations et déegadations sur les dites terres du demandeur.

A ces causes, le demandeur requiert que le dit Térence Cousin soit cité pour avoir a répondre à la présente pétition, et a produire ses titres aux terres qu'il prétend siennes ; qu'il soit nommé un arpenteur pour arpenter les terres du demandeur et celles du dit Cousin, conformément aux titres ; que les bornes soient posées par le dit arpenteur conformément aux droits et litres du demandeur, de manière a distinguer et séparer les propriétés du demandeur et celles que le dè fendeur dit siennes ; enfin que le defendeur soit condamné a payer au demandeur cinq cents piastres pour dommages-intèrêts, reclame en outre le demandeur toutes réparations et restitutions juridiques que sa cause comporte.

ALFRED HENNEN,

Avocat da Pet're.

of our Lord, and the Sixty-fifth of the Independence of the United States of America.

[SEAL] (Signed) LS. BRINGIER,
Surv'or Gen'l.

(*Translation No.* 2.)

(*Vide* pages 114, 115, 116.)

Sale from Alpuente to Blanc.

En la ville de la Nouvelle Orléans, dans l'Etat de la Louisiane, ce quatre mars, mil huit cent quarante quatre et dans la 68a anneé de l'indépendancc des Etats Unis d'Amérique. Pardevant Charles Boudousquié, Notaire Public dûment commissionné dans et pour cette ville et la Paroisse d'Orleans, y résidant, et en présence des témoins ci-apres nommés et soussignés, a personnellement comparee.

Madame Catherine Millon, veuve de feu sieur François Alpuente, domicilieé en cette ville, agissant aux présentes en sa qualité d'Exécutrice Testamentaire du dit feu sieur sou mari. La quelle a déclaré, que le 19 Septembre dernier, en vertu d'un Ordre de l'Honorable Cour des Preuves dans et pour cette ville et la Paroisse d'Orléans rendu le 16 août dernier, et par suite des publications voulues par la loi, il a écs procédé par le ministere de Joseph Le Carpentier, Eucanteur Public en cette ville, à midi, à la Bourse de Cité, Rue St. Louis, entre les Rues Chartres et Royale, à la vente publique, au plus offrant et dernier encherisseur, aux conditions ci-après exprimeés, de certaines propriétés dependant de la succession de feu Sieur Françoise Alpuente, anisi qu'il appert du procès verbal d'adjudication du dit encanteur annexé pour recours à un aete en cette Etude en date du 27 Decembre dernier. Qu'au nombre des propriétés vendues, deux portions de terre situées de l'antre coté du Lac Pontchartrain, ont été adjugées à Monsieur Evariste Blanc, pour la somme de deux cent soixante quatre pirstres et cinquante sept cents, payable un dixième comptant et la balance, à un, deux et trois ans de credit en billets endossés à satisfaction et guarantis par hypothéque jusqú à parfait paiement. En conséquence, la dite dame comparante en sa dite qualité, voulant fournir au dit sieur acquéreur un titre à son acquisition, a par ces présentes et par suite de l'adjudication préeitée, vendu, cédé et transporté dés le jour de la dite vente publique et à toujours, sous toutes les garanties de droit, à Mr. Evariste Blanc, demeurant en la paroisse d'Orléans, de cet Etat, ici présent et acceptant acquéreur pour lui ses héritiers et ayans cause, deux lots de terre situés de l' autre coté du Lac Pontchartrain, dans la Paroisse St. Tammany, entre les Bayous Lacombe et Bonfouca, désignés par les Nos. un et deux dans la Section No. Neuf Sud, de la Rangée Treize Est, contenant deux cent vingt deux acres et quatre vingt centiemè d'acre, les quels lots de terre sont bornés au Nord par les terres publiques, au Nord-Est par les terres ci-devant appartenant à Madame Judiss, supposées appartenir aujourd hui à Isidore Galatas,

à l'Est, par les terres appartenant à Térence Cousin, au Snd-Est par les terres ci-devant appartenant à François Cousin, supposées appartenir aujourd'hui aux heritiers de Louis Donet et au Sud-Ouest par les terres ci-devant appartenant à León Milon, supposées appartenir aujoured'hui à Térence et Anatole Cousin, le tout conformément à une copie de plan certifiée conforme au plan du Township No Neuf Sud, rangée 13 Est, déposé au Bureau des terres publiques à Greensburg, la quelle copie est annexeé à un Acte en cette Etude en date du 27 Décembre dernier. Les quels Lots de terre appartenaient au feu Sieur Fs. Alpuente, ainsi qu' il appert d'un reçu du Receveur des terres Publiques de la Paroisse St. Héléna de cet Etat, désigné pur le No. 1280, et ci-annexé pour recours. Suivant un certificat du Juge, ex-Officio conservateur des hypothéques pour la Pariosse St. Tammany, daté du Cinp Juin dernier et annexé pour recours à un Acte en cette étude en date du——dernier, il appert qu' il n'existe aucune hypothéque, au nom du dit feu Sieur François Alpuente sur les propriétés présentement vendues. La présente vente, conformement à cella publique précitée a été faite à raison de Neuf Sous et demie l'acre de terre, formant la Somme de Deux cent soixante quatre piastres et 57–100 payable aux conditions sus-enoncées. En conséquence, le dit Sieur comparant a présentement payè comptant en espèces ayant cours et à la vue du Notaire et des témoins Soussignés à la dite dame Veuve Alpuente, en sa qualité, qui le reconnoit, la somme de Vingt six piastres quarante cing 7–20 cents, et pour la balance, s'élevant à la Somme de Deux cent trente huit puistres onze 3–20 cents le dit Sieur aequéreur a présentement fourni trois billets souscrits par liu sous la datedu 19 Septembre dernier, de la somme de Soixante dix neuf piastres trente neuf sous et un tiers, faits à l'ordre de Mr. Jules A. Blanc, qui les a endosses, payables au domicile de la Banque, de la Louisiane à un, deux et trois ans de leur date. Les quels billets, après avoir été signés et paraphés ne varietur par le Notaire Soussigné pour les identifier avec le présent Acte, out été remis à la dite dame Veuve Alpuente en sa dite qualité qui le reconnait. Et pour assurer le fidele paiement des trois billets cidessus décrits et des intérets éventuels à dix pour cent l'an en cas de non paiement à écheance, le dit sieur acquéreur declare hypothèquer et pour privilege en faveur de la succession du dit feu Sieur François Alpuente, ou de tous porteurs des dits billets, les propriétés présentement vendues. Aumoyen de tout ce que dessus, la dite dame Veuve Alpuente en sa dite qualité cede et transporte au Sieur acquéreur ses héritiers et ayant cause tous les droits de proprieté, de garantie et entres que la succession du dit feu Sieur François Alpuente a et peut avoir sur les lots de terre présentement vendus, mettant et subrogeant le dit Sieur Acquéreur dans tous les dits droits, pour par lui, qui se reconnait en possession des dits lots de terre en jouir, faire et disposer en pleine propriété au moyen des présentes.

Dont acte, fait et passé à la Nouvelle Orléans, en l'étude, les jour, mois et an que dessus, en présence de Victor Demoruelle et Armand

Durel témoins compétens qui ont signé avec les comparants, et le notaire après lecture faite.

(Signé) EVARISTE BLANC.
VE. FRANÇOIS ALPUÈNTE.
A. DUREL.
V. DEMORUELLE.
CHARLES BOUDOUSQUIÉ.
Not. Pub.

Pour copie conforme à l'original, Nouvelle Orléans, le 5 Mars, 1844.

(Signé) CHS. BOUDOUSQUIÉ.
Not. Pub.

(*Endorsed.*)

4 Mars, 1844. Vente de lots de terre, par la succession de Fs. Alpuente à Evariste Blanc.

[A. B.] CHS. BOUDOUSQUIÉ
Not. Pub.

Filed, 28th April, 1851.

W. B. HOSMER.
Clerk.

(*Answer of T. Cousin.*)

Evariste Blanc *vs.* Térence Cousin.

The Defendant, Térence Cousin, residing in the Parish of St. Tammany, State of Louisiana, now comes into Court by his attorneys, and in answer to plaintiff's petition, denies all the allegations therein contained, but avers that he is the owner of a tract of land fronting on the Bayou Liberty, in the Parish of St. Tammany, which tract of land containing one thousand superficial arpents was confirmed to Respondent's father, the late F'cois Cousin, by the 2d Section of an Act of Congress, approved March 3d, 1819, a certificate for which was issued on the 8th of June, 1820; and the said land has since been duly located and surveyed, and the same duly approved by the proper officers of the United States Government. Said tract of land (except one hundred arpents taken from the east corner, now owned by Eugéne Pichon,) has by several intermediate conveyances been conveyed from said François Cousin to your respondent, who is now the legal owner and possessor of the same.

Your Respondent avers that the plaintiff is not the owner of the adjoining lands, but that said adjoining lands belonged to the Government of the United States, and that the plaintiff is a trespasser thereon, well knowing that those from whom he purchased had no title thereto. Your Respondent avers that the lines and boundaries of respondent's land are well known to plaintiff, yet the said plaintiff has caused his slaves to trespass on respondent's land, and to cut and haul off large quantities of fire-wood and other timbers, to the damage of your re-

spondent in, at least, the sum of two thousand dollars, which he claims in reconvention.

Your respondent annexes hereto authentic copies of the certificate of confirmation, the order of survey, and a map from the Surveyor General's office, showing the location of said tract of land.

Your respondent prays that a surveyor may be appointed by this Honorable Court to trace the lines of said tract of land in conformity to said document, and make due return of the same, to enable your respondent to establish the amount of the trespasses of plaintiff on said land, and, after due proceedings therein, that respondent be quieted in the possession of said tract of land, and that he recover from the plaintiff, Evariste Blanc, the sum of tw[illegible]ousand dollars for the damage done to said land, and costs of suit.

(Signed) JONES & CHILDRESS.
Atty's for Deft.

(*Endorsed.*)

E. Blanc *vs.* T Cousin.

Filed, 23d June, 1851.

W. B. HOSMER.
Clerk.

JONES & CHILDRESS.

(*Certificate of Confirmation.*)

Commissioners Report, Letter B, Certificate No. 178.

Land Office, St. Helena.

In pursuance of the Act of Congress, passed the 3d of March, 1819, entitled "an act for adjusting the claims to land, and establishing land offices for the District east of the Island of New Orleans." We certify that Claim No. 255, in the Report of the Commissioner marked B, claimed by Fr's. Cousin, original claimant Stephen Rene, is confirmed as a donation, and entitled to a patent for one thousand arpents, situated in St. Tammany, and claimed under an order of survey dated 10th September, 1798.

Given under our hands this 8th day of June, 1820.

Attest,

(Signed) CHARLES S. COSBY.
Register.

F. HERAULT.
Clerk.

FULWERS KIPWITH.
Receiver.

Surveyor General's Office, Donaldsonville La., June 12th 1851.
I certify the foregoing to be a true copy of the original on file in this office.

(Signed) R. W. BOYD.
Surveyor Gen'l, La.

(*Endorsed.*)

Marked M. E. Blanc *vs.* T. Cousin. Certificate of Confirmation.
Filed, 23d June, 1851.

(Signed) W. B. HOSMER.
Clerk.

(*Order of Survey.*)

Land Office, St. Helena.

FRANCIS COUSIN, Certificate No. 178, }
Dated June 8th, 1820. }

ST. TAMMANY, Sept. 21st, 1826.

Francis Cousin claims a tract of one thousand arpents of land situate in the Parish of St. Tammany, as purchaser from his father, Francis Cousin, deceased, who bought it from Louis Blanc, who bought it from the original owner, Gabriel Bertrand, and in virtue of certificate No. 178, dated 8th June, 1820, and signed Charles S. Cosby, Register, and Fulwer Skipwith, Receiver, in which certificate it is alleged by this claimant that it is erroneously set forth that Stephen René was the original claimant. It appearing that this tract of land is fronting on Bayou la Liberté, bounded below by the tract of land of Mr. Girod, and above by a tract of land belonging to claimant.

It is ordered that this claim be located and surveyed with a front extending on said Bayou, from the land of said Girod to that of claimant above, and from these points on the Bayou to run back for quantity.

Given under our hands this 21st day of September, 1826.

(Signed) SAM'L J. RANNELLS,
Reg'r.
WILL RINCHEN,
Receiver.

SURVEYOR GENERAL'S OFFICE, }
Donaldsville, La., June 12th, 1851. }

I certify the foregoing to be a true copy of the original on file in this office.

(Signed) R. W. BOYD,
Surveyor Gen'l La.

(*Endorsed.*)

M'ked. N. E. Blanc vs. T. Cousin. Order of Survey.
Filed 23d June 1851.
(Signed) W. B. HOSMER,
Clerk.

(For map marked O. see original page 11.)

(*Greensburg District Louisiana.*)

Variation of the needle 7 deg. 45 east. Claim of François Cousin. Cert. No. 178. Beginning at lower front corner of claim of Térence Cousin on Bayou Liberty. (No timber near.) Thence with the traverse down.

S. 65½ W.	8	50	
S. 11 E.	7	00	
S. 61 W.	10	00	
N. 82½ W.	9	00	
S. 89 W.	5	00	
N. 54¾ W.	10	00	
S. 52¼ W.	5	00	
S. 22½ W.	5	00	
S. 89¼ W.	10	00	
S. 53½ W.	17	60	To range line.
S. 43¾ W.	8	00	Jarod's upper front corner, (no bearing trees.)
N. 10 W.	47	50	Pine 16, S. 16¾, E. 1.52 xiii.
N. 38 W.	105	91	To back corner of Jarod's claim, light wood stump xiii.
S. 36 W.	1	84	To upper front cor. of L. Milon pine 18 S 11½ W 46 xiii.
N. 61 W.	21	00	To a pine xiii.
N. 21¾ E.	35	90	To line between sections 1 and 2, 3.00 ch's of post
	39	24	Township line 1.25, east of post.
	53	50	To a pine xiii.
S. 62 E.	28	20	Township line 53.06 west of N. E. corner.
	48	00	Corner to M'me Judiss, no trees near.
S. 21¾ W.	34	37	Lower back corner to claim of T. Cousin.
S. 50 E.	145	00	To the beginning.

Surveyed June 20, 1845.

SURVEYOR GENERAL'S OFFICE,
Donaldsville, La., June 12th, 1851.

I certify the above sketch of sections, 2, 37, 38, 39, 42, to be a true extract from the approved Map of T. 9 S. R. 13 E., dated 22d December, 1846, representing the survey of the Township by G. C. Vanzandt, and the above field notes of the claim Francis Cousin, cer-

tificate No. 178, are taken from the approved field notes of said Vanzandt now on file in this office. The dotted lines in T. 8 R., 13 E., and in T. 9 R. 14 E., represent respectively the claims of Cousin and Dubuisson as surveyed by Vanzandt; but those Townships requiring correction, and not under contract to be surveyed, the said claims have not yet been placed thereon.

(Signed) R. W. BOYD,
Surveyor General, La.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin. M'ked O, corrected plan S. S. Map Survey Vanzandt, 20th June, 1845.

Filed 23d June, 1851.

(Signed) W. B. HOSMER,
Cl'k.

(*Order Appointing Surveyor.*)

E. BLANC *vs.* T. COUSIN.

On motion of Alfred Hennen, Att'y for the plaintiff, and with consent of Jones & Childress, Atty's for defendant.

It is ordered that Thomas B. Harper be appointed Surveyor to run the lines and mark the boundaries of the lands in dispute between the parties, and to make such surveys and mark such boundaries as the parties may respectively require, after the plat and titles which they may produce respectively in support of their claims. And the plats and surveys made by said Thos. B. Harper, to be returned into Court on or before the first day of the next term in October: And it is further ordered, that both parties have leave to take testimony by commission directed to any Justice of the Peace, or any other officer qualified by law to take the same in this State, to be used on the trial of this case, and to be made returnable at the next term of this Court.

(*Order for Defendant to File Papers.*)

E. BLANC *vs.* T. COUSIN.

On motion of Alfred Hennen, Att'y for Pl'tff:

It is ordered, that the Counsel for the Defendant show cause at the first day of the next term, why he should not produce and file in Court the order of the survey dated 10th September, 1789, mentioned in the certificate No. 178, filed by Defendant, and annexed to his answer; and also the bill of sale from Françios Cousin and that from Louis Blanc, and that from Gabriel Bertrand, mentioned in the order of survey, filed by the Defendant and annexed to his answer.

(*Commission to Surveyor Harper.*)

State of Louisiana, Parish of St. Tammany, Eighth Judicial District Court, Clerk's Office, Covington.

To Thomas B. Harper:

Take notice, that on the 24th day of June, A. D. 1851, the following order of Court was obtained, in the words and figures, to wit:

EVARISTE BLANC *vs.* TÉRENCE COUSIN.

On motion of Alfred Hennen, Att'y for the Pl'ff, and with consent of Jones and Childress, Att'ys for Deft.:

It is ordered, that Thomas B. Harper be appointed Surveyor to run the lines and mark the boundaries of the lands in dispute between the parties, and to make such survey and mark such boundaries as the parties may respectively require after the plats and titles which they may produce respectively, in support of their claims. And the plats and surveys made by said Thomas B. Harper, to be returned into Court on or before the first day of the next term in October; And it is further ordered, that both parties have leave to take testimony by commission, directed to any Justice of the Peace, or any other officer qualified by law to take the same in this State, to be used on the trial of this case, and to be made returnable at the next term of this Court.

[L. S.] I certify the foregoing to be a true copy of the original extant in my office. Witness my hand and seal of office, this 8th day of August, A. D. 1851.

(Signed) W. B. HOSMER,
Cl'k.

(*Sheriff's Return.*)

Rec'd this notice with a copy on the 9th day of August, 1851, and served on the 12th day of said month, by handing said copy to Thomas B. Harper in person, at his residence in the Parish of St. Tammany, Covington, La., August 21st, 1851.

JOS. EVANS,
Sh'ff.

(*Endorsed.*)

No. —. 8th District Court.

E. Blanc *vs.* T. Cousin.

Original notice to T. B. Harper, appointment as Surveyor as per within.

Filed 21st August, 1851.

W. B. HOSMER,
Cl'k.

Plff's Order for Delivery of Titles to Surveyor.

E. Blanc
vs.
Cousin. } 8th Dist. Court, Parish of St. Tammany.

The Clerk of the Court will please deliver to Mr. Childers, to be handed by him to Mr. Harper, appointed by the Court to survey the land in controversy, the titles of the Plaintiff filed with his petition, in order that he may make the survey ordered by the Court.

Parish of St. Tammany, 12th Sept'er, 1851.

(Signed) ALFRED HENNEN,
Att'y for Pl'ff.

(*Endorsed.*)

8th Dist. Court. Parish of St. Tammany. E. Blanc vs. Cousin.

Filed 13th Sept., 1851.

(Signed) W. B. HOSMER,
Cl'k.

(*Order to file answer to Reconvention.*)

E. Blanc,
vs.
Térence Cousin, } On motion of A. Hennan, Esq., of counsel for plaintiff, It is ordered by the Court, that he have leave to file his answer to the Def'ts plea in reconvention, and call in warranty for a hearing.

Answer of Plaintiff to Reconvention; and Plaintiff's call in Warranty.

E. Blanc,
vs.
Terence Cousin, } 8th Judicial Dist. Court. Parish of St. Tammany. Answer of Pltff, to the Reconvention of T. Cousin.

And now, the said Evariste Blanc, the plaintiff, in the original suit aforesaid, appears by his attorney, Alfred Hennen, in answer to the reconvention of the defendant, and says, that he desires all and singular, the allegations in the petition contained, and for trial puts himself upon the country.

And further answering, he says, that he claims Oyer of a communication of the titles to the land claimed by the Defendant, and particularly and specially, he claims to have placed on file, the pretended sale from G. Dubertrand to Louis Blanc, and the pretended sale from Louis Blanc to the father of the said T. Cousin. For this respect, Evariste Blanc positively denies that any such sales of the lands in controversy were ever made, either by Sousseing Privé Acts, or public Acts of any kind.

And this respondent, E. Blanc, further says, that the certificate or order of Survey, dated on the 21st Sept., 1826, and signed by S. J.

Rannells, Reg'r., and Will. Kinchen, Rec'r., is illegal and was not such as by law, they were authorized to give, and the same is null and void, and cannot avail the said T. Cousin any thing in law, the same not being in conformity with the Confirmation on the 8th June, 1820, by C. S. Cosby, Reg'r., and F. S. Kipwith, Rec'r.—but the same is in contradiction thereto, and in contradiction of the claim filed by the said F. Cousin, at the time for confirmation. And the whole proceedings therein are illegal, null and void, and cannot give, and do not give any title to the said F. Cousin to the land adjoining the tract of this respondent, E. Blanc.

And further, this respondent, E. Blanc, in answer to the reconvention says—that he purchased a part of the said tract of land claimed by him from the heirs of François Alpuente and his widow, as set forth in the copy of sale, made on the 4th March, 1844, annexed to the petition, which sale was by public act, before C. Boudousquie, Not'y Public of N. Orleans, of said date, with full guarantee of title. And as that title is now denied by the said Térence Cousin.

This respondent prays that his vendors or their heirs may be cited in warranty, and the heirs of the said widow of the said François Alpuente, and of the said François Alpuente, are, François Ruitz Alpuente, Amédeé Alpuente, Catherine Isabella Alpuente, widow of Felix de Armas, Coralie Alpuente, wife of John Baptiste Dolhonde, and Matilda Alpuente, wife of Rosémond de Armas, all residing out of the Parish of St. Tammany, but in the Parish of New Orleans, and they by law, are bound to defend the title aforesaid of the land sold in the said Act of Sale; which tract of land is of great value to this respondent and without which he cannot carry on his brick-yard, established on the Bayou, and the loss of which would cause a damage of twenty-thousand dollars to this respondent.

And for the other tract of land mentioned in the petition of this respondent E. Blanc, it was bought of the minors Beauregard and J. S. Dufossat, by public Act, dated 30th Sept., 1836, before F. Grima, Not. Pub. of New Orleans, and these last vendors are bound to warrant the title thereto:

Wherefore, this respondent prays that the said vendors, the heirs of François Alpuente and of his widow, to wit: François Ruitz Alpuente, Amédeé Alpuente, Catherine Isabella Alpuente, widow of Felix de Armas, Coralie Alpuente, wife of John Baptiste Dolhonde, and Matilda Alpuente, wife of Rosemond de Armas, who are warranters of one part of said land; and the minors Beauregard and J. S. Dufossat, who sold the other portion of said land to this respondent, all living in New Orleans, may be cited and called in warranty to defend this respondent in the titles to the land by them respectively sold; and in case the claim of the said François Cousin, is sustained, and he recovers any amount of damages against this respondent, then this respondent prays that he may have judgment against his aforesaid warrantors and vendors for the same amount, with costs. In case of eviction of the lands and defects of title in his vendors aforesaid, that

they may be condemned in solido, to pay this respondent, E. Blanc, fifty-thousand dollars damages for the loss of the lands aforesaid, bought of them respectively, with all other and further relief which the nature of the case may require, and to equity may appertain with trial by Jury; and as in duty bound will ever pray.

(Signed) ALFRED HENNEN, *Att'y for E. Blanc.*

(*Endorsed.*)

8th Judicial Dist. Court. Parish of St. Tammany. E. Blanc vs. T. Cousin. Answer to reconvention and call in warranty.

ALFRED HENNEN,
Att'y.

Filed 13th Oct., 1851.
(Signed) W. B. HOSMER,
Cl'k.

Order on Answer to Warranty.

E. BLANC *vs.* T. COUSIN.

The answer in this case to the plea in reconvention and call in warranty having been filed for a hearing, was taken up and proceeded with, each party being in open Court by their Att'ys; when after hearing the law and arguments of Counsel: It is ordered by the Court that the parties therein named be cited to appear in warranty to this action, in accordance therewith of file the 13th October, 1851.

Surveyor's Report.

To the Honorable Martin G. Penn, Judge of the Eighth Judicial District Court, State of Louisiana, Parish of St. Tammany.

Sir:—In pursuance of the order issued from your Honorable Court, bearing date 24th June, 1851, in the following words and figures, to wit:

EVARISTE BLANC *vs.* TÉRENCE COUSIN.

"On motion of Alfred Hennen, Att'y for Pl'ff, and with consent of Jones and Childress, Att'ys for Deft.:

"It is ordered that Thomas B. Harper be appointed Surveyor to run the lines and mark the boundaries of the lands in dispute between the parties; and to make such surveys and mark such boundaries as the parties may respectively require, after the plats and titles which they may produce respectively in support of their claims; and that the plats and surveys made by the said Thomas B. Harper, to be returned into this office on or before the first day of the next term in October."

I have the honor to state that on the 16th Sept'er last, I proceeded to comply with the above order of Court, and repaired to the premises in dispute, and after calling on the overseer of Mr. Blanc, (he being absent,) and on Mr. T. Cousin, to point out the property in dispute, and the said parties having pointed out said property, I proceeded to survey the same; the result of which survey I beg leave to present in the accompanying plan, with explanations and field notes, the whole made in conformity to the said order of your Honorable Court. All of which is respectfully submitted,

(Signed) THO'S B. HARPER,

Parish of St. Tammany, Oct'er 13, 1851.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

To the Honorable Martin G. Penn, Judge of the 8th Judicial District Court, Parish of St. Tammany, Louisiana.

Filed 14th Oct., 1851.

(Signed) W. B. HOSMER,
Cl'k.

(*Field Notes and Survey.*)

Field Notes of a Survey made by T. B. Harper, C. E. of the claim of T. Cousin, situate in Townships 8 and 9, Ranges 13 and 14 E. Greensburg District and Parish of St. Tammany, Louisiana, commenced the 17th Sept., 1851.

Survey of Mr. Cousin's claim on Bayou Paquet and Liberty, commenced survey on the 17th Sept., 1851, at a post on the North West bank of Bayou Paquet upon the edge of the Covington Road.

No. of Stations.	Bearing.	Distance. Chs	Lks.	Remarks.
1	No. 1 S. 36½ W.	1.	84.	To a post S W. of Bayou Pauguet Bridge, crossing the Covington Road.
1	No. 2, N. 61 W.	6.	50.	Passed a tree marked Sect. 2; upon lines bet. Sects. 1 and 2.
	"	7	00	Tree marked Sect. 39 from a State, to tree 31 feet
2	"	7.	00.	" " "
3	"	7	20.	
		21.	20	End of line. Tree marked S. 39 T. 9 R. 13 East 17 lines from line to 13 Tree
1	No. 1, N. 21½ E.	10	00.	
2	"	8	00.	
3	"	10.	00.	
4	"		50.	Dry Bayou or ravine 24.50 from Station.
	"	4	00	
5	"	11.		At 33.10 crossed Sect. line bet. Sect. 1 and 2.
		38.	00	The timber has been cut and corded by Mr. Blanc for a distance of 8.00 chains on this line.

No. 2. Survey Continued.

No. of Stations.	Bearing.	Distance. Chs.	Lks	Remarks.
6	No. 1. N. 21¾ E.	9.	00	Township line S 39. T. 8 R. 13, E.
7	N. 21¾ E.	5.	90	
		14.	90.	To Corner Tree.
1	No. 1. S. 62 E.	10.	00.	
2	"	10	00	
3	"	10	00	Station line crosses Township line T. 8. S. 39. R. 13 E.
4	"	8.	86.	To corner post and C. Bearing Tree, T. 9. R. 13. E.
		38	86.	
1	No. 1. S. 27½ W.*	8.	00.	* G. W. Vanzandt makes the bearing of this station line S. 21¾ W. Bearing Tree N. W. of corner post X.
2	"	10	96	To a post in line from starting point, 18.96.
3	"	5.	71	To do. do. do. 23.67.
4	"	6.	73	To two posts (one marked 13.1) between, bearing Tree marked T. 39. and 38, dividing line between *Buisson* and *Cousin*.
		31.	40	

Survey Continued.

No. of Stations.	Bearing.	Distance. Chs.	Lks	Remarks.
1	No. 3. S. 50 E.	13.	00	To a clearing 2 00 chs from the Covington road. Covington road crosses Station line 15 chs. from corner.
2	"	10.	00	
3	"	10.	00	
4	"	7.	00	
5	"	10.	00	
6	"	10.	00	
7	"	6.	75	
8	"	9.	00	75 75. from corner to line dividing R. 13 and 14.
9	"	14.	00	
10	"	10.	00	
11	"	13.	00	
12	"	19.	00	
13	"	5.	00	
14	"	11.	00	
15	"	7.	00.	Marshy land commenced at 155.00 from corner, and continued to Bayou, 400 chains.
16	"	4.	00	
		159.	00.	To corner of Bayou Post found float acquire 4 feet water.

No. 4. Survey Continued.

No. of Stations.	Bearing.	Distance. Chs.	Lks.	Remarks.
1	No. 4, S 38 E.	16.	00	The real boundary of Cousin's claim is demarked by this
2	"	12.	00.	line, and passes thro' a clearing claimed by Blanc.
3	"	14.	00.	
4	"	8.	00.	At 58 50 line crosses Blanc's railroad, which runs within 10.00. of Cousin N. E.
5	"	30.	04	Boundary line.
6	"	25	54.	
		105	54.	Bearing tree marked T. 9 S 39. R. 13. E
1	No. 3. S. 56½ E.	22.	47.	Commenced at post at starting point.
2	"	7.	59	This line is claimed by L. Blanc as his boundary. 30.06 to a post.
3	"	5.	43.	To a post 35·49.
4	"	5.	70.	
5	"	11.	00.	To a post 47. 19.
6	"	14.	25.	To a corner tree (Pine)
		66.	44.	
1	No. 3. S. 11 E.	10.	00.	This line is claimed by Le Blanc.
2	"	10.	00.	
3	"	20.	00.	
4	"	7.	81.	To B. T., T. 9. S. 39. R. 13. E.

No. 5. Survey Continued.

No. of Stations.	Bearing.	Distance. Chs.	Lks.	Remarks.
1	No. 3. S. 10. E.	10.	20.	Commenced at B. T. T. 9. S. 39. R. 13 E. 10. 20 to Post.
2	"	13	00.	23.20 to low swamp or lagoon.
3	"	4.	00	
4	"	11	00	At 38.20 lower side of swamp 15.00 wide.
5	"	9.	00	47.20. Bayou Liberty.
	"	47.	29.	
1	No. 3, N. 80 E.	7.	00.	Survey of Bayou Liberty. commencing at S W. corner of
2	N. 64 E.	7.	00.	Cousin's claim, next to Le Blanc, and closing at N. E. cor-
3	N. 47 E	3.	00	ner on dividing line between Cousin and Buisson.
4	N. 25 E.	20.	00.	(Signed) Thos. B. Harper, C. E. Parish of St. Tam-
5	S. 55 E.	2.	00.	many. Oct. 13th, 1851. (Book Endorsed.)
6	S. 48 E	13.	00.	E. Blanc, }
7	S. 72 E	7.	00.	vs. }
8	N. 83 E.	10.	00.	T. Cousin, }
9	N. 18 E.	12.	00.	Filed 14th October, 1851
10	N 25 E.	8.	00.	
11	N. 80 E.	6.	50.	W. B. HOSMER, Clk.
		95	60.	

Opposition of Pl'ff to Survey.

E. BLANC
vs.
T. COUSIN. } 8th Judicial District Court, Parish of St. Tammany.

Opposition and objections of the Pl'ff, E. Blanc, to the survey returned into Court by Tho's B. Harper, appointed Surveyor to the claims of the respective parties. The Pl'ff, E. Blanc, opposes and objects to the survey made in this case, and says:

I. That the same is only a "*Survey of the claim of T. Cousin,*" as the same is entitled on the face of it, and does not represent the claim of the Plaintiff to the tract of twelve hundred and forty superficial arpents as set forth in his petition. And as the same is marked on the copy of the survey made by L. Trudeau, and which was given to the Surveyor for the purpose of surveying the same, as the Pl'ff claims in this suit.

II. That the Surveyor has not marked and on his plan, nor did he ever survey, the tract of land containing 1240 superficial arpents, which were surveyed by L. Trudeau for G. Dubertrand according to the plan, and given to him to survey, and which the plaintiff claims as his property, by mesne conveyances from said G. Dubertrand.

III. That the Surveyor had no authority to survey such lines and land as were pointed out by the overseer of the Pl'ff, but could survey only such lines and lands as were pointed out to him by the Pl'tff personally, or by the Attorney of record in the suit, said overseer having no authority or directions to point out any lines or lands to be resurveyed by the said Surveyor.

IV. That the Surveyor has not complied with the order of the Court, and made a sufficient return to the same, or made such a survey as was ordered by the Court as is apparent from the face of the same.

V. That the lines of the claims of the plaintiff have not been marked on the survey as required by the Pl'ff, and required by the order of the Court.

VI. That the Pl'ff claims 1240 superficial acres of land which embrace a large portion of the land claimed by defendant, and the same is not marked on said survey.

VII. The said survey is too vague, uncertain, indeterminate and defective, and cannot be the basis of any judgment between the parties, and the same is illegal on the face thereof.

Wherefore, the said Blanc, for the reasons aforesaid, objects to the said survey, and opposes the same, and says that the same should be set aside and annulled, and a new and further survey be made to show the lands claimed by him, and how far and in what manner the two claims conflict with each other; and the said E. Blanc prays an order of the Court accordingly, requiring the Surveyor to comply with the

order of the Court, and to survey and mark such lines and lands as the Plaintiff or his Attorney may require and point out to him.

(Signed) ALFRED HENNEN,
Att'y for Plt'ff.

(*Endorsed.*)

8th Judicial District.

E. Blanc, *vs.* T. Cousin.

Filed 14th Oct. 1851.

(Signed) W. B. HOSMER,
Clerk.

(*Order directing a new and further Survey.*)

E. Blanc, *vs.* T. Cousin.

The objections and opposition of the Plaintiff to the survey of J. B. Harper, was taken up for argument. A. Hennen for Plaintiff; Jones and Childress for Defendant.

Whereupon it is ordered and adjudged that the opposition of the Plaintiff is sustained so far as it requires a new and further survey, and it is further ordered and adjudged that the said T. B. Harper do survey the tract of 1240 superficial arpents, claimed by the Plt'ff under the survey to Gabriel Dubertrand, now on file, and show by a plan how the said tract of 1240 superficial arpents conflicts with any land claimed by the Def't; and it is further ordered that he also make a survey of the lands purchased from Alpuente, according to lines and survey of the United States, and according to the survey of the township by which the same was purchased from the United States by Alpuente, and that he do make a plan of the whole showing how the two parcels of the land aforesaid conflict with those claimed by the Def't; and draw such lines and mark such objects thereon as the Plaintiff or his att'y may require, after duly surveying the same; and return the same into Court by the first day of the next term of this Court, to be held in May, 1852, next.

(*Re-appointment of Harper.*)

STATE OF LOUISIANA, } Eighth Judicial District Court.
PARISH OF ST. TAMMANY. } Clerk's Office, Covington.

To THOMAS B. HARPER, ESQ.

Take notice that on the 14th day of October, A. D. 1851, the following order of Court was obtained in the words and figures, to wit:

E. Blanc, *vs.* T. Cousin.

The objections and opposition of the Plaintiff to the survey of T. B. Harper, was taken up for argument. A. Hennen for Plaintiff, Jones and Childress for Def't.

Whereupon it is ordered and adjudged that the opposition of the Plt'ff is sustained so far as it requires a new and further survey; and it is further ordered and adjudged that the said T. B. Harper do sur-

vey the tract of 1240 superficial arpents claimed by the Plt'ff under the survey to Gabriel Dubertrand, now on file, and show by a plan how the said tract of 1240 superficial arpents conflict with any land claimed by the Def't. And it is further ordered that he also make a survey of the land purchased from Alpuente, according to the lines and survey of the United States, and according to the survey of the township by which the same was purchased from the United States by Alpuente; and that he do make a plan of the whole showing how the two parcels of land aforesaid conflict with those claimed by the Def't, and draw such lines and mark such objects thereon as the Plaintiff or his attorney may require after duly surveying the same, and return the same into Court by the first day of the next term of this Court to be held in May, 1852, next.

In testimony whereof I have hereunto signed my name officially, and affixed the impress of the seal of said Court, this 29th Sept. A. D. 1851.

[SEAL] (Signed) W. B. HOSMER,
Clerk.

(*Sheriff's Return thereon.*)

Received this original notice with a copy on the 29th day of Dec., 1851, and served the same by handing said copy to a free white person over the age of fourteen, on the premises of Thomas B. Harper, on the 3d day of January, 1852, in the Parish of St. Tammany, Thos. B. Harper being absent from home on that date.

Covington, Louis'a, Jan'y 5th 1852.

(Signed) PHILIP KELLAR,
Dep'y Sh'ff.

(*Endorsed.*)

No. —. 8th Judicial District Court. Parish of St. Tammany.
State of Louisiana.

Evariste Blanc, *vs.* Térence Cousin.

Original notice to survey lands of Plt'ff as per within.
Filed 5th January, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Rule and Order for Oyer.*)

E. Blanc, *vs.* T. Cousin.

The rule taken in this case at the last June term by A. Hennen, Esq., Counsel for Plt'ff, was taken up and argued this morning. Hennen for Plt'ff, and Jones and Childress for Def't.

When after hearing the argument of Counsels and the law, the Court

ordered that said rule taken by Plt'ff on Def't to produce certain papers or documents therein named in said rule be made absolute, and that the Def't produce the same on or before the next Jury term of this Court.

(*Citation for F. R. Alpuente Waraantor.*)

E. Blanc, *vs.* T. Cousin. } State of Louisiana. 8th Judicial District Court. Parish of St. Tammany.

To Francis R. Alpuente, of this State and Parish of Orleans.

You are hereby summoned either to comply with the demand in the petition and answer, *and answer* to reconvention and call in warranty and order of Court therein of which copies accompany this citation, or to deliver your answer to the same in writing in the office of the Clerk of the Court aforesaid, at the town of Covington, within ten days from the date of service of the citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court; and if you fail herein, judgment will be rendered against you by default.

Witness the Hon. Martin G. Penn, Judge of said Court, this 26th Feb'y, A. D. 1852.

[seal] (Signed) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

Sheriff's office, Parish of Orleans.

Rec'd. New Orleans, March 10th, 1852, and on the 11th of the same month and year, I served copies of the following documents on F. R. Alpuente in person, viz., 1o. Plaintiff's petition in English; ditto in French. 2o. Defendant's answer. 3o. Answer of Plaintiff to the reconvention and call in warranty. 4o. Order of Court on call in warranty. 5o. Citations in French and English.

Returned March 20th, 1852.

(Signed) E. SAMPSON.
D'y. Sh'ff., Parish of Orleans.

(*Endorsed.*)

No. — E. Blanc *vs.* T. Cousin.

Original citation with copy, and copy in French, and copy of Plaintiff's petition in English and French, copy of Defendant's an wer, and and answer of Plaintiff, and call of warranty, and order of Court for F. R. Alpuente.

Original filed 14th May, 1852.

(Signed) W. B. HOSMER.
Clerk.

(*Citation to A. Alpuente, warrantor.*)

E. BLANC *vs.* T. COUSIN. } State of Louisiana, 8th Judicial District Court, Parish of St. Tammany.

To Amedée Alpuente of the State, and Parish of Orleans.

You are hereby summoned, either to comply with the demand in the petition and answer, and answer to the reconvention and call in warranty and order of Court therein, of which copies accompany this citation, or to deliver your answer to the same in writing in the office of the clerk of the Court aforesaid, at the town of Covington, within ten days from the date of service of the citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court; and if you fail herein judgment will be rendered against you by default.

Witness the Honorable Martin G. Penn, Judge of said Court, this 26th Feb'y, A. D. 1852

[SEAL] (Signed) W. B. HOSMER.
Clerk.

(*Sheriff's Return.*)

Sheriff's office, Parish of Orleans.

Rec'd, New Orleans, March 10th, 1852, and on the 18th, same month and year, I served copies of the following documents on Amedée Alpuente in person, viz., 1o. Plaintiff's petition in English, ditto in French. 2o. Defendants answer. 3o. Answer of Plaintiff to the reconvention and call in warranty. 4o. Order of Court on call in warranty. 5o. Citation in French and English.

Returned March 20th, 1852.

(Signed) E. SAMPSON.
D'y. Sh'ff., Parish of Orleans.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Original citation with copy, and copy in French, and copy of Plaintiff's petition in English and French, and copy of Defendant's answer, and answer of Plaintiff in call in warranty, and order of Court for Amédée Alpuente.

Original filed 14th May, 1852.

(Signed) W. B. HOSMER.
Clerk.

(*Citation to C. A. Alpuente, widow de Armas.*)

E. BLANC *vs.* T. COUSIN. } State of Louisiana, 8th Judicial District Court, Parish of St. Tammany.

To Catherine Isabelle Alpuente, widow of Felix de Armas of the State and Parish of Orleans.

You are hereby summoned either to comply with the demand in the petition and answer, and answer to reconvention and call in warranty, and order of Court thereon, of which copies accompany this citation, or to deliver your answer to the same in writing, in the office of the clerk of the Court aforesaid, at the town of Covington, within ten days from the date of service of the citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court; and if you fail herein, judgment will be rendered against you by default.

Witness, the Honorable Martin G. Penn, Judge of said Court, this 26th Feb'y, A. D. 1852.

(Signed) W. B. HOSMER.
Clerk.

(*Sheriff's Return.*)

Sheriff's office, Parish of Orleans.

Received, New Orleans, March 10th, 1852, and on the 11th of the same month and year, I served copies of the following documents on Catherine Isabelle Alpuente, widow of Felix de Armas, in person, viz., 1o. Plaintiff's petition in English, ditto in French. 2o. Defendant's answer. 3o. Answer of Plaintiff to the reconvention and call in warranty. 4o. Order of Court on call in warranty. 5o. Citation in French and English.

Returned March 20th, 1852.

(Signed) E. SAMPSON.
D'y. Sh'ff., Parish of Orleans.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Original citation with copy, English, and copy in French, and copy of Plaintiff's petition in English and French, and copy of Defendant's answer, and answer of Plaintiff to call in warranty, and order of Court for Catherine Isabelle Alpuente, widow of Felix de Armas.

Original filed 14th May, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Citation to Coralie Alpuente.*)

E. BLANC *vs.* T. COUSIN. } State of Louisiana, 8th Judicial District Court, Parish of St. Tammany.

To Coralie Alpuente, wife of John Baptiste Dolhonde, of the State and Parish of Orleans.

You are hereby summoned either to comply with the demand in the petition and answer, and answer to reconvention and call in warranty, and order of Court thereon, of which copies accompany this citation, or to deliver your answer to the same in writing, in the office of the

clerk of the Court aforesaid, at the town of Covington, within ten days from the date of service of the citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court; and if you fail herein, judgment will be rendered against you by default.

Witness the Honorable Martin G. Penn, Judge of said Court, this 26th Feb'y, A. D. 1852.

(Signed) W. B. HOSMER.
[SEAL] *Clerk.*

(*Sheriff's Return.*)

Sheriff's Office, Parish of Orleans.

Rec'd, New Orleans, March 10th, 1852, and on the 11th of same month and year, I served copies of the following documents on Caroline Alpuente, wife of J. B. Dolhonde, in person, viz., 1o. Plaintiff's petition in English, ditto in French. 2o. Def ndant's answer. 3o. Answer of Plaintiff to the reconvention and call in warranty. 4o. Order of Court on call in warranty. 5o. Citation in French and English.

Returned March 20th, 1852.

E. SAMPSON,
D'y. Sh'ff., Parish of Orleans.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Original citation with copy in English and copy in French, and copy of Plaintiff's petition in English and French, and copy of Defendant's answer, and answer of Plaintiff in call in warranty, and order of Court for Coralie Alpuente, wife of J. B Dolhonde.

Original filed 14th May, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Citation to Mathilde Alpuente.*)

E. BLANC, *vs.* T. COUSIN. } State of Louisiana, 8th Jud'l Dist. Court, Parish of St. Tammany. To Matilda Alpuente, wife of Rosemend de Armas, of the State and Parish of Orleans.

You are hereby summoned, either to comply with the demand in the petition and answer, and answer to reconvention and call in warranty, and order of Court therein of which copies accompany this citation, or to deliver your answer to the same in writing in the office of the Clerk of the Court aforesaid, at the town of Covington, within ten days from the date of service of the citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court; and if you fail herein judgment will be rendered against you by default.

Witness, the Honorable Martin G. Penn, Judge of said Court, this 26th Feb'ry, A. D. 1852.

(Signed,) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

SHERIFF'S OFFICE, Parish of Orleans.

Received New Orleans March 10th, 1852, and on the 11th of the same month and year, I served copies of the following documents on Matilda Alpuente, wife of Rosemond de Armas, in person, viz: 1o, Plff's petition in English, ditto in French; 2o, Defendant's answer; 3o, Answer of Plaintiff to the reconvention and call in warranty; 4o, Order of Court on call in warranty; 5o, Citation in French and English. Returned March 20, 1852.

(Signed,) E. SAMPSON,
D'y Sheriff Parish of Orleans.

(*Endorsed.*)

E. Blanc vs. T. Cousin.

Original citation with copy in English and copy in French, and copy of Plff's pet'n in English and French, and copy of Deft's answer, and copy of Plff's answer in call in warranty and order of Court, for Matilda Alpuente, wife of Rosemond de Armas. Original filed 14th May, 1852.

(Signed,) W. B. HOSMER,
Clerk.

(*Citation to Beauregard Dufossel.*)

E. BLANC *vs.* T. COUSIN. } State of Louisiana, 8th Jud'l Dist. Court, Parish of St. Tammany. To Beauregard Dufossel, of the State and Parish of Orleans.

You are hereby summoned, either to comply with the demand in the petition and answer, and answer to reconvention and call in warranty, and order of Court therein, of which copies accompany this citation, or to deliver your answer to the same in writing in the office of the Clerk of the Court aforesaid, at the town of Covington, within ten days from the date of service of the citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court, and if you fail herein, judgment will be rendered against you by default.

[SEAL] Witness, the Hon'ble Martin G. Penn, Judge of said Court, this 26th Feb'ry, A. D. 1852.

(Signed,) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

SHERIFF'S OFFICE, Parish of Orleans.

Received New Orleans, March 10th 1852, and on the 11th of the same month and year, I served copies of the following documents on B. Beauregard, by order of plaintiff's Attorney, in person, viz: 1o, Plff's petition in English, ditto in French; 2o, Defdt's answer; 3o, Answer of Plt'ff to the reconvention and call in warranty; 4o, Order of Court on call in warranty; 5o, Citation in French and English. Returned March 20th, 1852.

(Signed) E. SAMPSON,
D'y Sh'ff Parish of Orleans.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Original cit. with copy Eng. and Fch., and copy of Pltff's pet'n in Eng. and Fch., and copy of Deft's answer, and copy of Pltff's answer and call in warranty and order of Court, for Beauregard Dufossel. Original filed 14th May, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Citation to J. S. Dufossel.*)

E. BLANC *vs.* T. COUSIN. } State of Louisiana, 8th Jud'l Dist. Court of St. Tammany. To J. S. Dufossel, of the State and Parish of Orleans.

You are hereby summoned, either to comply with the demand in the petition and answer, and answer to reconvention and call in warranty and order of Court therein, of which copies accompany this citation, or to deliver your answer to the same in writing, in the office of the Clerk of the Court aforesaid, at the town of Covington, within ten days from the date of the service of the citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court, and if you fail herein, judgment will be rendered against you by default.

[SEAL.] Witness, the Hon'ble Martin G. Penn, Judge of said Court, this 26th Feb'ry, A. D. 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

SHERIFF'S OFFICE, Parish of Orleans.

Received March 10th, 1852, and on the 11th of the same month and year, I served copies of the following documents on J. S. Dufossat, in person, viz: 1o, Plff's pet'n in English, ditto in French; 2o, Defdt's answer; 3o, Answer of Plt'ff to the reconvention and

call in warranty; 4o, Order of Court on call in warranty; 5o, Citation in French and English. Returned March 20th, 1852.

(Signed) E. SAMPSON,
D'y Sh'ff Parish of Orleans.

(*Endorsed.*)

E. Blanc, *vs.* T. Cousin.

Original citation with copy in English and French, and copy of Plt'ff's petition in English and French and copy of Def'ts answer, and copy of Plt'ff's answer and call in warranty and copy of Order of Court for J. S. Dufossel. Original filed 14th May, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Answer of Dufossat.*)

E. Blanc, *vs.* Térence Cousin.

Before the District Court for the 8th Judicial District of the State of Louisiana.

Joseph Soniat Dufossat, a resident of the city of New Orleans, in answer to the call in warranty made upon him by E. Blanc, in the above entitled cause, says that he denies all and singular the allegations set forth by either of the parties in the above entitled cause except what is hereinafter specially admitted by him. Your respondent admits that he did sell to said Evariste Blanc, by act passed before Felix Grima, Not'y Pub. in the city of New Orleans, the undivided moiety of a tract of land situate in the Parish of St. Tammany, in the State aforesaid, between the bayous Liberty and Pacquet, the same being fully described in the said act which is under date, the 30th of Sept., 1836, to which your respondent refers as part of his answer. That your respondent has purchased the identical moiety of said tract of land from Chas. F. Daunoy, a resident of the said city of New Orleans, by act passed before H. Pedesclaux, Not'y Pub. in said city, on the 8th of June, 1832, and by the same act the said Chas. F. Daunoy obligated himself for ever to warrant and defend the said tract of land, and your respondent against all legal claims and demands whatever.

The premises considered, your petitioner prays that the said Chas. F. Daunoy be cited and called in warranty, to defend your respondent in the title to the said tract of land, and in case the claim of the said Francois Cousin be sustained, and the said Evariste Blanc recovers any amount of damages against this respondent, then this respondent prays that he may have judgment against the said Chas. Daunoy, his warrantor and vendor, for the same amount, and your respondent further prays for general relief.

(Signed) J. BERMUDEZ,
Att'y for Resp'dt.

(*Order of Citation.*)

In conformity to the second section of an act to provide for carrying into effect the Judiciary System of this State, approved 16th March, 1850, let citation, &c., issue to the warrantor as prayed for in conformity to law. Given under my hand officially this 24th March, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Endorsed.*)

No. 247. 8th Judicial Dist. Court.

E. Blanc, *vs* T. Cousin.

Answer of J. S. Dufossat to call in warranty of Plt'ff. Filed 24th March, 1852.

W. B. HOSMER,
Clerk.

(*Citation to Chas. F. Daunoy.*)

E. BLANC, *vs.* T. COUSIN. } The State of Louisiana. 8th Judicial District Court. Parish of S. Tammany.

CHARLES F. DAUNOY of the State aforesaid. Parish of Orleans.

You are hereby summoned either to comply with the demand contained in the petition of Plt'ff, answer of Def't in reconvention, Plt'ff's answer to reconvention and call in warranty, order of Court thereon, answer of J. S. Dufossat to call in warranty, &c., and order of Court thereon, of which copies accompany this citation, or to deliver your answer to the same in writing, in the office of the Clerk of the Court aforesaid, at the town of Covington, within ten days from the date of service of this citation, with an increase of one day more for every ten miles your place of residence may be distant from the place of holding said Court, and if you fail herein, judgment will be rendered against you by default.

Witness the Hon. Martin G. Penn, Judge of said Court, this 14th April, A. D. 1852.

[SEAL] (Signed) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

Rec'd Parish of Orleans, April 21, 1852, and on the same day served two copies of Citation (English and French), two petitions (English and French), one do Deft's answer in reconvention, one do. Plt'ff's answer to reconvention, one ditto call in warranty and order of Court thereon, ond one do. answer of J. S. Dufossat to call in war-

ranty, &c., and order thereon on Charles F. Daunoy in person. Returned April 21st, 1852.

(Signed) E. SAMPSON,
Dep'y Sheriff of Orleans.

(*Endorsed.*)

EVARISTE BLANC, *vs.* TÉRENCE COUSIN. } No. 247, 8th Judicial District Court, Parish of St. Tammany, State of Louisiana.

Original citation with a copy in English and French and copy of Plt'ff's petition in English and French, and copy of Deft's answer in reconvention, and Plt'ff's answer to reconvention and call in warranty, and order of Court thereon, and answer of J. S. Dufossat to call in warranty, &c., and order thereon for Charles F. Daunoy. Original filed 14th May, 1852.

(Signed) W. B. HOSMER,
Cl'k.

(*Exception of F. R. Alpuente to Warranty.*)

Evariste Blanc, *vs.* Terence Cousin.

TO THE HON. THE JUDGE OF THE 8TH JUDICIAL DISTRICT COURT.

François R. Alpuente called in warranty by the Plaintiff herein, now appears and for exception to the call and action in warranty, says :

First. That he is not liable as warrantor in an action for fixing of limits, such as the present.

Second. That the plaintiff's call is both premature and illegal, he not having been evicted or ever assailed, but assailing others.

Third. That he cannot legally be called in warranty and subjected to costs and expenses in an action involving other tracts of land besides the tract alleged to have been sold by this appearer's ancestor to Plaintiff, as on the face of Plaintiff's petition appears to be the case ; but that the suit for the separate tracts should be distinct and separate.

Wherefore he prays to be hence dismissed at the costs of said Plaintiff.

(Signed) H. H. STRAWBRIDGE,
Att'y for F. R. Alpuente.

(*Endorsed.*)

E. BLANC *vs.* T. COUSIN. } No. —. 8th Judicial District Court.

Exception of T. R. Alpuente to call in warranty. H. H. Strawbridge of Counsel.

Filed 5th June, 1852.

W. B. HOSMER,
Clerk.

(*Order for Assignment.*)

E. BLANC *vs.* T. COUSIN.

The Counsel for the Def't, Jones & Childress, now required that a day might be assigned for the trial of this cause, which was opposed by A. Hennen, Esq'r, of Counsel for the Pl'tff, because the order made in this case on the day of last past, appointing and ordering T. B. Harper to survey the tract of 1240 acres, and to mark such lines as might be pointed out by the plaintiff, had not been complied with and executed, and it appearing to the Court on the declaration under oath of the said T. B. Harper, here in open Court, that he is unwilling to execute the said survey for the Court fees, and that he doth now refuse to survey the same for such fees, the motion to assign the cause for trial is refused: And it is further ordered, adjudged and decreed, that another Surveyor be appointed in the place and stead of the said T. B. Harper, to execute the said order of the —— day of ——— last past in all its parts, and the Court will make the appointment of such Surveyor, if the parties do not at the present term consent to nominate an individual for that purpose.

(*Order Appointing Gillespee to Survey, &c.*)

E. BLANC *vs.* T. COUSIN.

It appearing to the satisfaction of the Court that the office of Parish Surveyor is now vacant, and there being no one known to the Court, residing in this Parish who will execute the survey ordered in this case for the fees allowed by law. It is therefore ordered that Theodore Gillispee of the Parish of Jefferson, be and he is hereby appointed to make said survey, and return on or before the first day of the next term of this Court according to law.

(*Order on Depositions of Bringier.*)

E. BLANC *vs.* T. COUSIN.

On motion of Alfred Hennen, Att'y for plaintiff, and on filing the return to the commission in this case containing the deposition of L. Bringier, taken in New Orleans before R. Richardson, 3rd I. P. It is ordered with the consent of the Counsel for Def't, that the said testimony of L. Bringier be read in evidence without any exception to form of taking the same, and reserving, however, all right of objection to the evidence itself.

(*Gillespee's Plat.*)

E. BLANC *vs.* T. COUSIN.

On motion of Alfred Hennen, Esq're, for Plt'ff, and on filing the plat of survey, made under the order of the Court by T. Gillespee, with the proces-verbal thereof, and his oath for the correctness

thereof. It is ordered, with consent of Counsel for the Defendant, that the same may be used as a survey of the claims of the respective parties and serve for the trial of the case, the same being made in conformity with the order of Court.

(*Oath of Surveyor.*)

THE STATE OF LOUISIANA, *Parish of Jefferson.*

I, Theodore Gillespee, of the Parish of Jefferson, do solemnly swear that I will faithfully execute the survey ordered in the case of E. Blanc *vs.* T. Cousin, in the Parish of St. Tammany, by the Hon'ble the Judge of the 8th Judicial District Court, in and for said Parish, first directed to T. B. Harper on the 14th October, 1841, and afterwards to Theodore Gillespee on the 10th June, 1852.

(Signed,) THEODORE GILLESPEE.

Sworn to and subscribed before me, on this 21 August 1852.

E. HIESTAND,
Justice of the Peace.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Oath of Surveyor, filed 28th Oct'er, 1852.

W. B. HOSMER,
Cl'k.

(*Asssignment.*)

E. BLANC *vs.* T. COUSIN.

Assigned for Wednesday 3rd November, 1852, at 2 o'clock P. M., by consent of both plaintiff and defendant in the original action.

(*Jury Organized.*)

E. BLANC *vs.* T. COUSIN.

This cause having been regularly assigned, was proceeded in as assigned.

A. Hennen, Esq're, Counsel for plaintiff, and Jones and Childress and M. G. Penn, Esq'res, for T. Cousin, defendant, when the following named persons were called, sworn and empannelled as Jurors, to wit:

1, Rob't Williams,	5, David Davis,	9, Tho's M. Fauntleroy,
2, W. J. Norris,	6, C. M. Morris,	10, David D. Riggs,
3, Emile Laurent,	7, Francis Sadler,	11, I. A. P. Maples,
4, Paul Gosselin,	8, Wm. Kellar,	12, Nathan Page.

The Court then appointed C. B. Morris foreman thereof. When after hearing part of Plaintiff's evidence, Court adjourned.

(*Note of Evidence.*)

E. Blanc
vs.
T. Cousin. } Plaintiffs Evidence.

Bill of sale from Alpuente's Heirs to E. Blanc, marked A B, act dated March 4th, 1844.

(*Vide* page 6.)

Copy of Receiver's receipt, marked C. (*See* page 38.)

Copy of Township Map of T. 9 R. 13. E., marked D. (*See* page 77.)

Document marked E., sale from heirs of Beauregard to E. Blanc, dated 30th Sept., 1836. (*See* page 38 and *seq.*)

Document F. (*See* page 42 and *seq.*)

Document G. Sale from N. Girod. (*See* page 44.)

Doc'ts H., h. Spanish titles to Girod and power of Att'y. (*See* pages 46 and 47.)

Document I. Sale from Dubertrand to Toledano. (*See* page 48.)

Deposition of Bringier, marked J. Offered for the purpose of proving possession and title. Rec'd by the Court so far as to prove possession alone, and rejected so far as to prove title. To which decision the Pl'ff. excepts. (*See* page 49.)

Document marked K. Certificate from Land Office, received for what it is worth. (*See* page 51.)

Document L. Copy of Township Map of T. 9 R. 13 E. (*See* page 78.)

Referred to 3d Vol. of American State papers, relative to Public Lands, page 448, for the purpose of showing grant to François Cousin.

(*Parol evidence.*)

Gen'l. Daniel Edwards sworn, says he has always lived in this Parish, (*page* 2,) born in this Parish—is acquainted with Bayou Liberty, Bayou Pacie, Bayou Lacombe, Bayou Bonfouca, Bayou Casten; always gone by those names; Bayou Casten is the most westwardly; then comes Bayou Lacombe, then Bayou Bonfouca; that this Bayou is the most eastwardly; that along the margin of the Lake, Caston Bayou is some ten miles, perhaps more, from Bayou Lacombe; from Bayou Lacombe to Bayou Bonfouca, is six or seven miles, may be more, it may be less:—Bayou Liberty, he thinks the main stream of the Bayou Bonfouca; knew François Cousin, resided on Bayou Lacombe until his death—Once passed many years ago, a place pointed out to him as Dubertrand's place, on the North-East side of Bayou Pacie; thinks it was some twenty-seven or twenty-eight

years ago: has not resided in the lower part of this Parish since 1813. That the place pointed out as Dubertrand's place, appeared very much dilapidated; that no person then resided upon it.

Plaintiff's evidence closed.

(*Defendant's Evidence.*)

Commissioners' Cert. of Confirmation, marked M. (*See* page 9.)

Order of Survey, marked N. (*See* page 10.) Offered and objected to by adverse party, 1o. On the ground it cantradicts the Certificate of Confirmation already introduced. 2o. Reynolds and Kinchen had no right to change the location given by the order of survey, dated Sept. 10th, 1798. 3o. That the Land Commissioners had no right to receive allegation of error in the original certificate, (*page* 8.) That they had no right to investigate the alleged errors. 4o. That Reynolds and Kinchen transcended their powers and had no authority to do what they have done, and that the same are illegal and null. 5o. That there was no error in the original certificate. The evidence rec'd on the ground, that the Comm'rs of the Land Office were specially authorized by Act of Congress to determine the location of tracts of land, and that the legality of their proceedings cannot be assailed in this suit, and drawn in question by this Court. To which decision the plaintiff excepts, and reserves his bill. Marked N.

Plat of Survey, marked O., offered—(*See* page 11.,) and objected to on ground, that there was no legal Order of Survey. 2o. Because the claim had not been fully surveyed, but only a portion of it, and is illegal evidence, as far as related to plaintiff. Evidence rec'd and objection overruled, and pl'ff. reserves his bill.

Act of sale, dated 1820. Marked P., (*See page* 52.)

Act of sale, dated 1827. Marked Q., (*See page* 56.)

Act of sale, dated 1849. Marked R., (*See page* 57.)

Act of sale, dated Marked S., (*See page* 60.)

Harper's Survey, (*see pages* 17 and 91,) offered in evidence, objected to because it has been rejected and set aside by the Court, and an order made to make a new one—and was imperfect and partial. The objections overruled and the survey received, and decision excepted to and Bill reserved.

François Cousin, Jr., sworn, says his father occupied the land in dispute 35 or 40 years. Knows where the boundary line was between the Girau tract and the tract occupied by his father. That since 1827 the lines designated on Gillespiés plat by letters M. P. C. he recognises as the boundary line between the two tracts. Old Mr. Pichon lived a long time on the Girod tract; that so far back as 1819, a negro boy named Paul, belonging to his father, resided near a place designated on said plat by letter P. on east side of said letter, where

the principal establishment was. Thinks his father had made lime on the place for twenty years previous to his death. That at a place designated by letter C. on plat, a post has existed which, for thirty years was considered as the upper corner post of the Girod tract, on the bank of the Bayou Paccé near the bridge.

(*Cross Examined.*)

Says he knew Dubertrand, Toledano, and Nicholas Girod, knew Dubertrand residing on the place prior to the sale to Toledano. That Dubertrand had a stock of cattle on the place; resided on it, and had a cabin and fences on it, several negroes and a Schooner with which he traded to town. Toledano remained on the place but a short time, was then an aged man. Says he knew Girod, who told witness not to cut wood over his, Girod's line; that Girod did not live on the place, but often spoke to him about the land. Pichon lived on Girod's plantation, but whether with permission or not, witness does not know; knew Etienne Ren had plantation on Casten Bayou. Ren did not reside on the plantation, but had a person there for him; that Ren lived about seventeen leagues from New Orleans, on the German Coast. That the father of witness resided on Bayou Lacombe in 1814. Knew Soniat Dufossat was on the Dubertrand tract; that since Mr. Blanc has purchased of Dufossat, the plaintiff has occupied it making bricks. Witness is sixty-eight years of age, and has always resided in this Parish; that Dubertrand was a very old man.

(*Re-examined by Defd'ts.*)

That none of the occupants of the Dubertrand tract had fences near the line of Mr. Cousin's, designated by the letters M. P. C., referred to, that all reside where Mr. Blanc now resides near the western part of the tract; every body knew said lines. That witness received a donation as a settlement claim on Bayou Lacombe.

(*Cross Examined.*)

That this donation claim to which he refers is a little higher up than where he now resides; that about twenty acres were enclosed by fence where the slave Paul resided, and that said ——— has always remained there.

Isadore Galatas sworn, says he has lived a long time on Bayou Bonfouca; ownes tract of land that adjoins the Cousin tract in the rear; was with Mr. Vanzandt when he run the back line of the Cousin tract; saw the corner post put for the Cousin tract and the rear of Witness' tract. Says Vanzandt retraced old lines which Witness had known for many years, about 7 or 8 years previous to Vanzandt's survey.

(*Cross Examined by Plaintiff*)

That the old lines were only a part of the line run by Vanzandt; that the old lines only extended from the bridge on Bayou Paccé, towards Bayou Liberty, how far, he does not know; that the line between himself and Cousin was an old line; that M'me Judice was mother of witness; that witness lives on land that belonged to his mother.

Thomas B. Harper sworn, says that the tract designated in the survey made by himself as containing twenty-two acres in Section 2, T. 9, R. 13 east, is all the land in said Section embraced in the Receiver's certificate given to Alpuente by Childress. In running the line between Cousin and Blanc, he found and followed old lines; when there was no marks on the trees, he found stakes; that the upper line passed within 400 feet of Blanc's Railroad; that when he run the line there appeared to be some 15 or 20 acres of fresh cut wood, and that they were then hauling wood to Mr. Blanc's yard from the land; that running the Cousin tract round he followed old lines and corners in conformity with the Vanzandt Plat from the Surveyor's office.

The plaintiff objects to the evidence offered as to the wood, on the ground that it was proving facts subsequent to the inception of the suit. The Court overruled the objection on the ground that it was a matter in connection with other evidence to be weighed by the jury. Bill reserved by plaintiff.

Witness notified Mr. Hennen, Mr. Blanc's Attorney, when he was going to make the survey, and received from Mr. Childress the title papers on file, which were handed over, as now admitted by Plaintiff's Attorney, by his directions to him. That the overseer of Mr. Blanc was present when witness run part of the lines; that the overseer pointed out the property in dispute and showed witness where the lines were.

(*Cross Examined.*)

Does not know the name of the overseer, never saw him before or since; found him on the premises; never heard from Mr. Blanc that he was overseer; had in his possession the title papers handed him by Mr. Childress there were filed in Court and returned them into Court; that he acted under the order of the Court in his survey; that he surveyed the property he understood to be in dispute. Mr. Blanc was not present and gave him no instructions. That in surveying the 22 acres tract in Section 2, T. 9, R. 13 E., he followed the lines as designated by the recent U. States re-survey by Vanzandt; that on the triangular line running from the bridge to the angle, there is an old tree marked, and that on the whole length of the triangular line, he found posts. That within the line of the Cousin tract as surveyed by witness, he includes 819 acres and a fraction. At the line he sur-

veyed he thinks 19 acres were covered with water; that the land on the south-west side of the triangle, and the land where Mr. Blanc's Railroad is, was not claimed by Mr. Cousin. That witness did not survey lot 1 of Section 1 of T. 9 R. 13 E., containing 131 80-100 acres as represented on Plat marked L., and lot 2 Section 2 of T. 9 R. 13 E., containing 91 acres as represented on Plat marked L., the lines as run by himself not corresponding with those on that Plat.

Eugéne Pichon sworn, says that between the spring of 1850 and 1851, Mr. Blanc cut down timber as much as would cover a large field, on the right of the bridge, thinks the space cut was equal to four hundren steps each way; thinks there was more than a hundred cords taken from each acre; timber was very thick. Wood is getting very scarce in that neighborhood.

(*Cross-Examined.*)

That looking at Gillespie's plat he thinks the wood was cut off the land included within the lines designated by the letters C D E F G and H, cannot say the quantity of wood cut, nor the value.

Avell Pichon sworn says, that he thinks the wood was cut off a space of a quarter of a mile square on the right of the bridge represented on Gillespie's plat; that wood is scarce in that neighbourhood; that he has always known the post at the bridge, as the corner post of the Girau tract; owns part of Girau tract; has always understood the triangular line on that plat as the dividing line between the Girau and the Cousin tract; has known it about twenty years.

(*Cross-Examined.*)

Never knew Mr. Girod, heard talk about lines, but never heard Mr. Girau say any thing about it. Knows neither the quantity or value of the wood cut.

John Gusman sworn says, that on ordinary thick timbered land, such as the land on Bonfouca, thinks more than a hundred cords could be obtained from the acre; wood becoming very scarce in that neighbourhood; wood in that neighbourhood is worth four bits a cord.

(*Cross-Examined.*)

When bricks are worth $4 or $5 a thousand, wood is worth nothing, and during last year witness has lost his wood and labor too in making bricks.

Plaintiff offered in evidence, to prove damages against Alpuente called in warranty: but the evidence rejected on the ground that the exception filed by Alpuente had been sustained, and Alpuente called in warranty was not in Court.

Abraham Penn sworn. Defendant offered to prove by him that he had traced the lines of the Cousin tract, as marked by Whitten above the bridge,

Objected to as contradicting the plat of the principal Deputy Surveyor offered in evidence as made of Whitten's notes, and the objection was sustained, and defendant excepts and reserves his bill.

Rode round the lines in 1851, and saw that a great deal of wood had been cut down within the Cousin claim as represented on Gillespie's plat, on the right hand of the road and opposite the bridge.

(*Cross-Examined.*)

Road runs East and West direction, that the wood was cut Northward, Eastward and Westward of the bridge as represented on Gillespie's tract.

Seymour Bathincourt sworn says, went with Mr. Harper and showed him Mr. Blanc's line at the bridge; was in charge of Mr. Blanc's business; had no authority from Mr. Blanc in relation to the matter; Mr. Blanc never showed witness any line at all, all the information he had was obtained from a former overseer.

(*Cross-Examined.*)

Was present when Abraham Penn surveyed the land (purchased by Alpuente) and was chain carrier, after Mr. Blanc had purchased it from Alpuente's heirs; that they started at the post at the bridge, and Mr. Penn followed the lines all around to the starting point, and does not believe any wood has been cut by Mr. Blanc outside of the said lines; Mr. Blanc never authorized witness or any of Mr. Blanc's negroes to cut wood anywhere but on his own land; Mr. Blanc caused the lines to be run by Mr. Penn so that he might make no mistake in cutting wood.

Defendant offered in evidence, letter of Commissioners of general land office, the reception of which was objected to and the objections sustained, to which decision the Defendant excepts and reserves his bill. (*See page* .)

Defendant's evidence closed, and plaintiff proceeded to introduce rebutting evidence.

Plaintiff offered in evidence letter of Thomas B. Harper (*page* 63) as rebutting evidence the reception of which is objected to and rejected, and the Plaintiff excepts and reserves his bill.

Offered certificate of Register of Land Office, marked T, (*See page* 63,) and petition of F. Cousin and evidence annexed and certificate of Register, marked W, (*See payes* 64, *et seq.*,) to the reception of which Defendant objects on the ground that they have no reference to the land now in controversy, but relate to a tract on Bayou Lacombe, some 6 or 8 miles distant. But the Court overruled the objection and received the documents, to which decision defendant excepts and reserves his bill.

Plaintiff offered in evidence transfer of Ren. and Cert. of Register, the reception of which is objected to by Def't on the ground that the transfer was not an authentic act, and no filing showing when it came into the land office, which objection is sustained, and the plaintiff excepts and reserves his bill; doc't marked ———.

(*Plea of Prescription by Plaintiff.*)

At this stage of the proceedings, the Plaintiff filed his plea of prescription, to the reconventional claim of the Defendant.

Plaintiff offered to prove by Paris Childress, the date of the Certificate issued by him as Receiver of land office. Objected to by Def't on the ground that the Cert. was issued by Mr. Childress in an official capacity, and that parol evidence cannot be received to contradict, change or vary his official act, particularly the evidence of the person who acted in that official capacity, which objection is sustained by the Court, and the evidence rejected, and Plaintiff excepts and reserves his bill.

Plaintiff offered to prove by Mr. Childress, when he left the Land office, in support of plea of prescription and as rebutting evidence. Objected to on the ground that it is too vague and indefinite; that if received it might go to fix inferentially the date of a public record; the date to which the witness has been refused by the Court to testify to in direct terms; also because it is secondary evidence the fact. The Court overruled the objection so far as to receive the evidence not to fix the date of the certificate, but to prove an independent fact which may have a tendency in connexion with other evidence to sustained the plea of prescription.

Paris Childress, sworn—Says he ceased to be a Receiver in Nov'er or December, 1837.

Plaintiff Closed Rebutting Evidence.

Defendant's Evidence Resumed as Rebutting Evidence.

Defendant offered document from Greensburg Land office, certified to by Amos Kent, Register, Marked W. (*See page* 64.)

Two documents from Land office in New Orleans, certified to by Hilary B. Cenas, Reg'r; and document from same office, certified to by Rosemond de Armas, marked X, (*Page* 69,) filed pursuant to an order of Court as part of Deft's title.

To the reception of these plaintiff objects, because they are private documents, and no proof of their having been signed, are res inter alios acta; are acts offered as evidence by the party himself, and cannot affect the plaintiff, that they are simply found in the Archives of the Land office, and that none of them are properly rebutting evidence. Which objections were overruled by the Court, and the evidence received to which decision plaintiff excepts and reserves his bill.

Evidence Closed by Defendant.

I certify the foregoing to be a true note of the evidence taken down by the undersigned by consent of the Pl'ff, Blanc, and Defendant, Cousin.

(Signed) NICHOLAS BAYLIES,
Judge of 8th Jud'l District.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Note of evidence taken down by the Judge, by consent of parties. Filed 6th Nov'er, 1852.

(Signed) W. B. HOSMER,
Clk.

Exception of Warrantor Sustained.

E. Blanc, *vs.* T. Cousin.

This cause being called, was taken up and proceeded in this morning. The Jury being called were all present, after hearing the balance of plaintiff's evidence, and defendant upon the cross examination of Deft's witnesses by Pl'ff, the exception filed by Alpuente and others to the call in warranty by the plaintiff, was taken up. A. Hennen for Plaintiff, and H. H. Strawbridge for Alpuente and others.

When after hearing the law and argument of Counsel, the Court was of opinion that said exception was well founded and the exception be sustained, reserving, however, the right of the Plt'ff, his action against his warrantor in case of eviction.

E. Blanc *vs.* T. Cousin.

Simon Betancourt having been brought into Court upon an attachment issued in this case, and not having given such excuse to the Court as is satisfactory in law: It is ordered, adjudged and decreed by the Court, that he, Simon Betancourt, be fined the sum of one dollar and costs of Court; and that he stand committed until he comply with the sentence of the Court.

E. Blanc *vs.* T. Cousin.

This cause being called, was proceeded in again this morning. The Jury being called were all present. When after hearing the balance of the defendant's testimony, and after the introduction of rebutting evidence by both plaintiff and defendant: A. Hennen, Esq're for Plt'ff, asked leave to file a plea of prescription to the reconventional demand of defendant, which was submitted to the Court, and said

plea of prescription ordered to be filed; and upon the introduction of further rebutting testimony, A. Hennen, Esq., Counsel for Plaintiff, asked leave to file an application for a continuance, upon the grounds contained in the affidavit of plaintiff now filed in this case, which application was rejected on the ground of its being asked for at too late a stage of the proceedings, and that the plaintiff had not used due diligence to procure the evidence required. When after hearing the balance of the rebutting testimony of both plaintiff and defendant, A. Hennen, Esq're, having made his opening argument, and having been replied to by J. R. Jones, Esq., one of the Counsel for defendant, Court then adjourned until Saturday morning Nov'er 6th, 1852, at 8 o'clock A. M.

Plea of Prescription.

E. BLANC *vs.* T. COUSIN.

On motion of Alfred Hennen of Counsel for E. Blanc: It is ordered that he have leave to file a plea of prescription to the action in reconvention of the Deft.

(*N. B. Translation No.* 3, *Vide pages* 116, 117, 118, and 119.)

Plaintiff's Documentary Evidence.

(*Copy of Receiver's Receipt, Marked C.*)

STATE OF LOUISIANA, *City of New Orleans.*

I, Adolphe Boudousquié, a Notary Public duly commissioned and sworn, in and for this city, and the Parish of Orleans, successor to Charles Boudousquié, do hereby certify that to an act passed before the latter on the fourth day of March, 1844, purporting to be a sale of lots of ground by the Estate of the late François Alpuente to Evariste Blanc, the following receipt is annexed in the margin, to wit:

No. 1280. RECEIVER'S OFFICE, St. Helena, La.

Received from François Alpuente, City of New Orleans, La., the sum of two hundred and seventy eight $\frac{50}{100}$ dollars, being in full for lots Nos. one and two, section No. two of Township, No. nine south of Range thirteen east, containing two hundred and twenty two $\frac{80}{100}$ acres, at the rate of one dollar and twenty-five cents per acre.

(Signed) PARIS CHILDRESS.
Receiver.

In faith whereof I have hereunto subscribed my name and affixed my seal of office at New Orleans, this thirteenth day of Sept., 1851.

(Signed) A. BOUDOUSQUIE.
Not. Pub.

(*Endorsed.*)

8th Dist. Court. E. Blanc *vs.* T. Cousin. Marked E. Certified copy of the Receipt of Receiver to Alpuente. Filed 3d November, 1852.

(Signed) W. B. HOSMER.
Clerk.

(*Document Marked E.*)

(*Sale from Dufossat & Beauregard to Blanc.*)

ETAT DE LA LOUISIANE, *Nouvelle Orléans.*

En la ville de la Nouvelle Orléans, dans l'Etat de la Louisiane, ce 30 Septembre, 1836, et dans la 61ime année de l'Indépendance des Etats Unis d'Amérique, par devant Felix Grima, Notaire Public, dûment commissionné et assermenté dans et pour la ville et paroisse de la Nouvelle Orléans, y résidant, et en présence des témoins ci-après nommés et soussignés, ont personnellement comparu Messrs. Joseph Soniat Dufossat, demeurant en le paroisse de Jefferson en cet Etat, et Bazile Beauregard, demeurant en cette ville, ce dernier agissant aux présentes en sa qualité d'administrateur des biens de ses enfans mineurs, nommés Joseph Toutant Beauregard, Victor Bazile Beauregard, Rodolphe Bazile Beauregard, Emile Beauregard, Marie Elodie Beauregard, Rosalie Beauregard, et Emílie Beauregard, lesquels ont déclaré, qu'en vertu d'un Jugement de l'honorable Cour de Paroisse pour la ville et paroisse de la Nouvelle Orléans, rendu le 12 Mars, 1835, sur la demande en partage intentée par feu Sieur Joseph Dufossat Soniat, dont le dit Sieur Joseph Sonait Dufossat est seul héritier, ainsi qu'il sera ci-après établi, contre le dit Sieur Basile Beauregard en sa qualité sus mentionnée, et d'après les délibérations d'une assemblée de famille des dits mineurs tenue en l'Etude du Notaire Soussigné, le 14 Février, 1835, dûment homologuées, ils ont fait exposer en vente publique, après les avis et publications voulus par la loi, par le ministère de Messrs. T. Mossy & Garridel, encanteurs publics en cette ville, le 20 Juillet derniere, à la Bourse de Hewlett, la propriété ci-après de'crite; et qu'à cette vente, comme plus offrant et dernier enchérisseur, le Sieur Evariste Blanc, de cette ville, s'en rendit adjudicataire pour la somme de huit mille quatre cents piastres, payable à un, deux, et trois ans de credit, en billets endossés à satisfaction portant hypothèque jusqûà parfait paiement, ainsi que le tout appert plus applement du procès verbal de vente et ajudication des dits encanteurs ci-annexé pour recours. En conséquence les dits Srs. comparants en leurs qualités, voulant donner au dit adjudicataire un titre authentique, declarent par ces présentes, vendre, céder et transporter sous toutes les garanties de droit, au dit Sieur Evariste Blanc demeurant aussi en cette ville, à ce présent et acceptant acquéreur pour lui, ses héritiers

ou ayant cause; un lot de terre de l'autre bord du lac Pontchartrain, dans la Paroisse St. Tammany, en cet Etat, entre les Bayous Liberté et Paquet, mesurant environ six cent quatre vingt treize arpens, soixante huit perches, et deux cent trente huit pieds de superficie, ou plus s'il y a, le tout conformément à un plan dressé par Allou d'Hémécourt, député voyer de cette ville, le six Décembre, 1834, et telle que la dite terre se poursuit et comporte sans réserve aucune, à l'exception des batisses et améliorations qui se trouvent sur la dite terre, et qui devaient être enlevées dans les soixante jours après la dite adjudication. Cette terre appartient aux dits mineurs Beauregard et au dit Sieur Joseph Sonait Dufossat par moitié indivise de la manière suivante, savoir: crux dits mineurs Beauregard, au moyen de la donation qui leur ont été faite de la moitié de la dite terre par le Sieur Nicholas Girod, suivant acte au rapport de Hugues Pédesclaux, notaire en cette ville, le 10 Mai, 1831, et au dit Sieur Joseph Sonait Dufossat, en se qualité d'héritier du dit feu Joseph Dufossat Sonait, son pére, et comme en ayant été mis en possession, en sa qualité de seul héritier testamentaire de son dit pére décédé, par décrêt de l'Hon'ble Cour des Preuves pour la dite paroisse St. Tammany, en date du treize Mai dernier, et dont copie dûment certifiée est ci annexée pour recours.

Et le dit feu Sieur Joseph Dufossat Soniat était propriétaire de la moitié indivise de cette terre par l'acquisition qu'il en avaite faite du Sieur C. F. Daunoy, par acte au rapport de Hugues Pédesclaux, notaire, en date du huit Juin, 1832.

Cette vente est faite et acceptée pour et moyennant la dite Somme de huit mille quatre cents piastres enpaiement de la quelle le dit acquéreur a produit et fourni six billets, chacun de la somme de quatorze cents piastres par lui souscrits en la date du 20 Juillet dernier, jour de la dite adjudication, à l'ordre des sieurs F. Henry et Lanrans, qui les ont endossés et payables respectivement deux à un an, deux et les deux autres à trois ans de leur date; les quels billets, après avoir été paraphes ne varietur par le notaire Soussigné pour les indentifior avec le présent acte, ont été remis aux vendeurs en leur qualité qui le reconnaissent. Et pour assurer le fidèle paiement des dits billets, la propriété présentement vendue reste hypothéynée; le dits sieur acquéreur s'obligeant ā ne point vendre ni hypothéquer la dite propriété au préjudice det cet acte. Au Moyen de quvi les vendeurs en leur qualite cedent et transportent au dit acquéreur tous les droits de propriété de Garantie et antres qu ils ont et peuvent avoir sur la dite terre, pour par l'acquéreur, qui s'en reconnait en bonne et due possession, en jouir, faire et disposer, oomme de chòse lui appartenant en vertu des présentes. Suivant un Certificat du Juge et ex-officio conservateur des hypothéques pour la dite Praoisse de St. Tammany, en date du 27 Septembre courant. It résulte que la dite terre este libre d'hypothéque au nom du dite sieur Joseph Soniat Dufossat et des Mineurs Beauregard.

En ce moment le sieur Josep Soniat Dufossat s'est retiré aprés avoir préalablement declaré autoriser, comme il autorise, Celestine

Génois, icé présente, ă renoncer dans le présent acte, ă tous les droits matrimoniaux, dotaux, paraphernaux et antres sur ce qui fait l'objet des présentes.

El le dit Sieur Joseph Soniat Dufossat, s'étant ainsi retiré, la dite dame, son épouse, aprĕs lecture à elle faite par le notaire soussigné, de ce qui précéde, a déclaré hors de la présence de son dit Mari, y donner son consentement et l'approuver dans tout son contenu; Et la dite dame Célestine Génois, ayant de plus déclaré qui élle était dans l'intention de renoncer ă tous ses droits, matrimoniaux, dotaux, paraphernaux et antres, et ă tous privilèges, et hypothéques qu élle pent ou pourrait avour ă exercer sur cequi fait l'objet des présentes, le notaire soussigné lui a observé qú avant de donner sa signature aux présentes il doit l'informer de la nature de ses droits et de l'éffet de sa renonciation; Surquoi le dit notaire lui a dit, que les lois de cet Etat de la Louisiane, accordent à une femme Marieé une hypothéque générale, taçite sur tous les biens de son mari et même sur ceux de la communanté.

1o. Pour la restitution de so dot on pour le remploi des biens dotaux qu élle a apporté lors de son mariage, et ce, à compter du jour de la célébratian du dit mariage.

2o. Pour la restitution ou le remploi des biéns dotaux qu élle aurait acquis durant son mariage, soit par succession on donation, et ce du jòur oú la succession s'ost ouverte en sa faveur, ou que la donation a en son effet.

3o. Pour l'indemnité des dettes qu élle aurait contractées avec son mari ainsi que pour le remploi de ses biens propres aliénés, du jour de l'obligation ou de la vente.

4o. Pour Sureté des obligations imposées au mari dans le cas où il aurait joui des biens paraphernaux de sa femme, ou pour le remboursement de leur prix dans le cas oú ils auraient été aliénés par la femme et qú il en aurait reçu le prix ou en aurait autrement profité:

Et enfin qu én renonçant aux droits sus mentionnés, elle perd dés maintenant et à toujours la faculté de revenir coutre le présent acte, soit par elle même ou par toute autre personne. Et le Sieur Joseph Soniat Dufossat, sétánt de nouveau présenté pour donner sa signature aux présentes, la dite dame Célestine Génois son épouse a déclaré qu élle se reconnait parfaitement instruite des droits que la loi lui accorde sur les biens de son mari; et sur ceux de la Communanté et qu élle persiste quelqu éon sient les conséquences dans l'intention qú elle a ci-dessus exprimée, et que de son bon gré, et de sa propre et libre volonté, elle renonce formellement par les présentes en favuer du dit Sieur Evariste Blanc ses héritiers ou ayant cause, a l'exercice de tons ses droits dotaux, matrimoniaux, paraphermaux et autres, à toute hyphthéque inscrite légale ou tacite, et à tous priviléges et autres droits que les loies de set Etat lui accordent sur la propriété, objet des présentes; Et qu élle transporte au dit Sieur Evariste Blanc ses héritiers ou ayant cause tous ses dits droits et antres de quilque nature qu íls soient, sur la propriété présentement venduc, les autorisant à

s'en prévaloir tant en justice que hors, envers et contre qui de droit.

Dont acte, fait et passé en l'étude à la Nouvelle Orléans, les jour mois et an que dessus, en présence des Sieurs, Théodore Guyol et Gustave d'Hébecourt, temoins requis et domiciliés en cette ville, les quels ont signé avec les parties et moi notaire apres lecture.

(Signé) EVARISTE BLANC,
JOSEPH SONIAT DUFOSSAT,
B. BEAUREGARD, es-qualite.
CÉLESTINE SONIAT,
THEO. GUYOL,
G. D'HÉBECOURT.
F. GRIMA,
Not. Pub.

Pour Copie conforme á l' Original resté en mon étude pour recours. En foi de quoi j'ai signé les présentes et y ai apposé le sceau de mon office a la Nouvelle Orléans, le trois Novembre 1836.

[SEAL.] (Signed) F. GRIMA, *Not. Pub.*

(*Endorsed.*)

30 Sept. 1836.

Vente de terre-mineurs Beauregard & J. S. Dufossat à Evariste Blanc, m'ked E.

Filed 3d Nov're, 1852.

(Signed) W. B. HOSMER,
Clerk.
F. GRIMA, *Not. Pub.*

(*N. B. Tradslation No.* 4. *Vide payes* 120, 121, *and* 122.)

(*Document Marked F.*)

Sale from Chas. F. Daunoy to J. S. Dufassat.

En la Ville de la Nouvelle Orléans ce huit Juin 1832 at dans la 56me Année de l' Indépendance des Etats Unis d' Amérique. Pardevant Hugues Pédesclaux, Notaire Public, dûment Commissionné dans et pour la ville et paroisse de la N'elle Orléans, y résidant et en présence des teinoins ci-après nommés et soussignés. Est personnellement comparu Monsieur Charles Favre Daunoy, demeurant en cette Ville. Lequel a par ces présentes, Vendu, cédé et transporté sans aucune antre garantie que celle résultant de ses faits personnels. A Mr. Joseph Soniat Dufossat, ainé, demeurant aussi en cette ville, à ce présent et acceptant acquéreur pour lui, ses héritiers et ayant causé, La moitié indivise d'une terre située dans la Paroisse St. Tammany. en cet Etat, entre les Bayous Liberté et Paquet. Mesurant douze cents arpents (plus ou moins) de superficie ensemble les circonstances et dépendances de la dite terre, sans excepter ni réserver ; L'acquéreur

déclarant bien connaitre la dite terre, en être content et renoncer à lous droits de diminution du prix de la présente vente pour différence dans la mesure de la dite terre, quelque soit cette différence. La moitié indivis: de la dite terre appartient au dit sieur Daunoy, au moyen de la donation qui lui en a été faite par Mr. Nicholas Girod, Suivant Acte passé en cette étude, le 18 Mai, 1831.

L'autre moitié indivise appartenant aux enfans mineurs de Mr. B. Beauregard, en vertu du même acte. La présente vente est faite pour et moyenuant la Somme de Douze cent Soixante pias tres pour la quelle l'Acquéreûr afourni, au vendeur qui le reconnart, deux billets souscrits par l' acquéreur sous la date du présente mois, à l' order de Mr. Joseph Soniat Dufossat qui les a endossées, le premier de la somme de six cent soixante piastres payable dans un an et le second de la somme de six cents piastres payable dans deux ans. Le vandeur renonce à tous droits d'hypothéque et privilége résultant des présentes en sa faveur sur la moitié indivisé de la terre sus décréte. An moyen de quoi le vendeur cide et transporte à l'acquéreur tous les droits de propriété,de grantée et au tres, qú il a et pent avoirsur la moitié indivise de la dite terre, qui fait l'object de la présente vente, mettant et subrogeant l'acquéreur daus tous les dits, droits, pour par l'acquéreur en jouir, faire et disposer comme de chose lui apportonant en pleine propriété aux termes duprésent acte. Le vendeur étant requis par le notaire Soussigné de produire un certificat du Bureau des Hypotheques de la dite Paroisse St. Tammany, constantant, les hypothéques qui peavent exister contre lui à produire, et s'est obligé de pi oduire dans un dé lai qui n'excedera pas quinze jours, un certificat du dit bureau des hypothèques, constatant qu 'il n'existe aucune hypothèque inscrite contre lui sur la moitié indivise de la terre susdicrite, de la quelle promesse l'acquéreur se recounait satisfait, déchargeant le notaire Soussigné de toute responsabilité á cet égard.

Et aux présentes est intervenne et personallement comparue Madame Mathilde de Ferriet, épous du dit Sieur Daunoy et de lui dument alsistee et autorisée à l'effet, et pour la pleine validité des présentes, laqualle, apres lecture à elle faite par le notaire Soussigné de l'acte qui précéde, a déclcré l'approuver dans tout Son Contenu, et ayant en outre declaré au notaire Soussigné qú elle était dans l'intention de renoncer aux hypothèques privilegés on autres droits qu'elle a on pent avoir sur la moitié indivise de la terre sus-décrite. Le dit notaire l'a informée que d'aprés les lois de cet Etat, le femme, a une hypothèque tacite sur les biens immeubles de son mari et sur ceux de la Communante qui existe entre eux. 1o, Pour la restitution de sa dot on pour le remploi des biens dotaux qu'elle apportés lors de son mariage et ce, a eompter du jour de la célébration du dit mariage. 2o, Pour la restitution ou pour le remploi des biens dotaux qu'elle aurait acquis durant son mariage, soit par succession on donation, et ce du jour que la donation a eu son effet. 3o, Pour l'indenr ité des dettes qu'elle aurait contractées, avec son mari ainsi que pour le remploi de ses biens propres aliénés, du jour de l'obligation ou de la

vente. 4o, Et pour sureté des obligations imposées au mari, dans le cas ou il aurait joui des biens paraphernaux de sa femme, ou pour le remboursement de leur prix, dans le cas où ils aurouént été aliénés par la femme avec son autorisation, et qu'il en eurait reçu le prix, ou en aurait autrement profité.

Et la dite dame Daunoy se reconnaissant parfaitement instruite des droits que la loi lui accorde sur les biens de son mari et sur ceux de la communanté, qui existe entre eux, a dit et déclaré qu'elle persiste néanmoins dans l'intention qu'elle a ci-dessus manifestée, et que de son plein gré et de sa propre volonté, elle renonce formellement par ces présentes taut pour elle que pour ses héritiers et ayans cause, à toute hypothèque, inscrite, legale ou tacite que les lois lui donnent et peuvent lui donner sur la moitié indivise de la terre qui fait l'objet des présentes, soit que ces droits lui soient acquis à titre de dot, de biens paraphernaux ou autrement, et qu'elle céde et transporte à l'acquéreur, ses héritiers et ayant cause, tous les sus-dits droits et autres de quelque nature qu'ils soient, subrogeant l'acquéreur à son lieu et place pour raison d'iceux, et l'autorisant à s'en prevalcir taut en justice que hors, envers et contre que de droit. Ce accepté par l'acquéreur.

Fait et passé à la Nouvelle Orléans en l'etude, les mêmer jours, mois et an que dessus, en présénce de Messrs Felix Percy et Auguste Lafou, témoins requis et domiciliés en cette ville qui ont signé avec les comparants et le notaire apres lecture faite.

(Signé) CHARLES F. DAUNOY,
MATHILDE DAUNOY,
J. S. DUFOSSAT,
FELIX PERCY,
A'TE LAFON.

H. PEDESCLAUX.
Not. Pub.

Je Paul Emile Laréche, Notaire Puelic dument commissionné et assermenté, dans et pour la paroisse d'Orleans, et successeur en charge du dit sieur Hugnes Pedesclaux, certifie la presente copie conforme à l'original, reste deposé dans les archives notarial du dit sieur Pedesclaux; en foi de quoi j'ai signé la présente, et y a apposé moc sceau notarial à la Nouvelle Orleans ce 21 Mars, 1851.

(Signé) LARESCHE,
Not. Pub.

(*Endorsed.*)

Marked F 8 Juin 1832. Vente d'une moitié indivise de terre par Charles F. Daunoy à Joseph Soniat Dufossat ainé. H. Pedesclaux, Not. Pub. Laresche, Not. Pub. et successeur.

Filed 3d Nov, 1812.

(Signed) W. B. HOSMER.
Clerk.

(*N B. Translation No. 5, Vide pages* 122 *&* 123.)

(*Document marked G.*)

Donation from Nicols Girod to C. F. Daunoy, and the minor children of B. Beauregard.

Pardevant Hugnes Pédesclaux, Notaire Public pour la ville et paroisse de la Nouvelle Orleans, Etat de la Louisiane, et en présence des témoins ci-après nommés et soussignés, fut présente le Sieur Nicolas Girod, propriétaire demeurait en cette ville, le quel déclare donner par les présentes, comme de fait il donne à titre de donation pure et simple entre vifs et à jamais irrevocable a Charles Favre Daunoy, ici présent et acceptante d'une moitié indivise, et à Joseph Toutant Beauregard, Victor Bazile Beauregard, Rodolphe Bazile Beauregard, Emilie Beauregard, Marie Elodie Beauregard, Bazilice Beauregard et Emelie Beauregard, enfans mineurs légitimes de Bazile Beauregard, de l'autre moitié indivise d'un lot de terre situé de l'autre bord du lac Pontchartrain, dans la Paroisse St. Tammany en cet Etat, outre les Bayous Liberté et Paquet, mesùrant plus ou moins mil deux cents arpens de superfine ainsi que les dependances, appartenant droits et privilèges, lequel lot de terre est estimé à la somme de trois mille piastres et appartient au Sieur Girod, au moyen de l'acquisition qu'il en a faite de la succession du fou Sæur Manuel Toledano, par acte devant Charles De Grandpré, Colonel des Troupes Royales, Gouverneur Civil et Militaire de la ville et du District de Baton Rouge en date du 31 Mars, 1808. Le dit Sieur Bazile Beauregard demeurant en cette ville et ici présent, declare accepter la présente donation pour et aux noms de ses enfans mineurs. Au moyen de la presente donation, le Sieur Nicolas Girod cede et transporte au dit donation toin les droits de proprieté qu'il a et peut avoir sur le lot de terre ci-dessus décrit, pour par oux, les dits donataires en jouir, faire et disposer comme de chose leur appartenant en toute propriété dés maintenant et à toujours.

Faite et parsé en l'étude à la Nouvelle Orleans, le 8me jour du mois de Mai, 1831, et a 55me de l'Independence des Etats Unis d'Amerique, en présence des Sieurs Vincent Ramos, Maurice Hermann témoins qui ont signé avec les parties et le Notaire.

L'original est signé

N. GIROD,
CHAS. F. DAUNOY,
B. BEAUREGARD,
MAURICE HERMANN,
VINCENT ERAMOS,
H. PEDESCLAUX,
Not. Pub.

State of Louisiana, Parish of St. Tammany.

I certify the foregoing to be truly registered on the records of dona

tions for this parish. In testimony of which I hereunto set my hand and seal of office, this 27th day of June, A. D. 1831.

(Signed) JESSE R. JONES,
Parish Judge.

(*Endorsed.*)

Marked G, Evariste Blanc 1200 arpens. Donation of N. Girod to C. F. Daunoy and Beauregard,
Filed 3d November, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*N. B. Translation No.* 6. *Vide pages* 123, *and* 124.)

(*Document marked H.*)

Sale from F. Herault to N. Girod.

Sepas por esta carta como ye Dn. Franco. Heraul vecino de esta jurisdicion Apodo. en el de Dn. Custaquis Fremon y de Da. Margarita Bloit, come se *Lavdencoce* del que me conferio per Dn. Pedro Pedesclaux en la Nueva Orleans a veinte y dos de Febrero de mil ocho cientos y ocho: Otorgo que en sus nombres vendo realmente y con efecto a Dn. Nicolas Girod una tierra cerca de los lagos en esta jurisdicion compusta de mil dos cientos arpanes de tierra de superficie entre dos Bayus nombrados Liberté y Paquet, las quales tierras las compro de Dn. Gabriel Dubertran el defunto marido de my podea dante Da. Margarita Blount que lo fue Dn. Manuel Toledano segun la es pasada ante Dn. Nareiso Brontin Escrevano Publico de la Nueva Orléans, y se la vendo libro de gravamen é hipoteca por el precio y suma de quincientos pesos pagaderos en esta forma, Dos cientos y cinquenta de contado qe have recivido y a mio Poderes dantes, y los dos cientos y cinquenta restantes en veinte de Julio de esta año, mediante lo qual aparto y separo amis poderos dantes de derecho de propridad possesion utel, dominio y señorèo que a dicho tierra havian y tenain, y todo lo renuncio y traspaso en el referido Dn. Nicolas Girod para que como suya propria la posea venda convie enagene asu vohintad satisficha que sea la ultima para *dese ohnir* en virtud de esta escritura que ami, *fain* otorgo en señal de Rl'entrega conque have su *visto* haver acquirido su possesion, sén que necesite de otra prueva de que le relvo; y me obligo a la eviccion y sa neamento de esta venta, con los bienes demis poders dantes havidos y por haver, doy aqui por inserte la clesolso la garantigia y renuncio los layes de mi favor con la general en forma que la prohivé y estando presente al otorgamento de esta escritura Dn. Pedro Luis Nevill apoderado de Dn. Nicolas Girod *como secridencio* del poded que ha presentado, otergado en la Nueva Orleans en veinte y uno de este corriente mes ante Juan Lind notaire publico, lo acepto a favor de su poder dante obligandese a satisfacer las dos cientos y cinquente pesos en el termino estipulado con los bienes de my poder dante—dando

per entregado de *dho* tierra a my voluntad en cuyo testimonio es fecha la carta en Baton Rouge a trianto y una de Marzo de mil ocho cientos y ocho. Yo Dn. Carlos de Grandpré Coronl. de los Re. ejercitos, Gobernador militar y politico de la referida pluza y su distrieto doy fe conosco a los otorgantes que hasy lo dieron y firmaron en presencia teniente Dn. Thomas Estevan, y Dn. Juan Bta. Hedesenguen testigos-entre renglores con las bienes my poder dante-vale.

FR. HERAULT.
PEDRO LOUIS MAILE.
CARLOS DE GRANDPRE.
THOMAS ESTEVAN.

I certify the foregoing to be a true copy from the original on file in my office. Witness my hand and Public Seal at Baton Rouge this 2nd of June, 1841.

CHS. TESSIER.

(*Endorsed.*)

M'ked. H. Dn. Franco. Herault. Aenta de tierra a Nicolas Girod, March 31, 1808. Cert. $2,00 paid.
Filed 3rd Nov'er. 1852.

W. B. HOSMER,
Clk.

(*N. B. Translation No.*7. *Vide pages* 124 *and* 125.)

(*Document marked H.*)

Power of Attorney from Widow and Heirs of M. Toledano, to F. Herault.

Sepan que nos Dn. Custaguro Fremont, Da. Margarita Blount vinda de Dn. Manuel Toledano consortes, executores testamentarios y administradores de las bienes de dho. defuuto, y Dn. Nicolas Girod vecino y del comercio de esta cindad curador áe las expresadores minores otorgames que damos todo nuestro poder cumplido quento por derecho se requiere necessario sea Dn. Francisco Herault vecino de Baton Rouge para que a nuestro nombre representado nas personas deverchas y acciones otrogues escritura de venta en favor de referido Dn. Nicolas Girod de una habitacion situada en dicho Districto de Baton Rouge conforma al titulo de propriedad y plano de dha. habitacion por la suma de quincientos pesos pagaderos la mitad de contado y la otra mitad en el terminio de seis meses a cutre desde el dia viente de Enero de este año delarando haber sido recivade la suma de dos cientos cinquenta pesos per nos y al efecto para la renunciacion que corresponde para toda lo qual en adencias y dependencias que puedan ocomer los delibero este poder contodo amplitad libre, franca & general administracion con facultad déen fiencio jnrar y substituar revocar substitutos y nombrar otros con relevacion en formal; y a la firmeza de quenso

obrare nos obligamos con nuestras personas y bienes en toda forma de derecho.

En cuyo testimonio es fecha en esta cindad de la Nueva Orleans a veinte dos de Febrero de mil ocho cientos ocho y el trenta y dos de la Independencia Americana. Yo el notario doy fe conose á los otorgantes que firmaron con los testigos que lo fueron Dn. Joaquin Lazane, y Dn. Juan Bta. Ramirez vecinos y presentes, femme Fremont, *Espremente.*

N, GIROD,
JOAQN. LOZANO,
and JN. BTE. RAMIREZ.
PEDRO PEDISCLAUX,
Nota.

I certify the foregoing to be a true copy from the original on file in my office. Witness my hand and public seal at Baton Rouge, this 20th of June, 1841.

(Signed) CHS. TESSIER, *P. J.*

(*Endorsed.*)

Power of Attorney, Widow and Heirs of Man. Toledo to Francis Herault, $2,50. Marked H.
Filed 3d Nov'er, 1852.

W. B. HOSMER,
Clerk.

(*N. B. Translation No.* 8. *Vide page* 126.)

(*Document marked I.*)

Sale from Gabriel Dubertrand to Manl. Toledano.

Sepan quantos esta carta vieren como yo Dn. Gabriel Dubertran, vécino del esta cuidad otorgo qe vendo realmente y con effecto à Dn. Manuel Toledano de este mismo vecindario una tierra y habitacion cituado del otro lado del lago Pontchartrain, compuesta de mil dos cientos quorranta arpanes entre los dos Bayus nombrados Liberté y Paquet, con todos los edificios que se hallen misma, todos los animales, vacunos, cavalleros, y lanar que tengo sobre dha Fra marcados con las letras G. D. Un terreno y medio cituado en el carmino del Bayou San Juan, onze esclavos, llamados; Babe de edad como de veinte años, Noel de treinta y cinco, Emperan de trienta, Carlos de quarenta y cinco, Bastian de tres, Santiago de Siete, Felicité mulata diez y ocho años, con sus dos hijos Pedro de tres años y Alexandro de Seis meses, Maria negrita de quatro años, y Carlota de nueva; una Goleta de viente cinco tonelados con sus velas yaparejos, una piragua y un chalan, y todos los utencillos de dicha havitacion, y el todo se lo vendo al ante dho. Don Manuel Toledano con sus entradas, salidas, usos, costumbres, dros. y servidumbres libre de gravamen i hipotecas, en precio de catorce mil pesos fuertes del cuño Mexicano que me ya pagado de contado de que

me doy per entregado à mi voluntad, y por no ser de presente la entrega renuncio la excepcion de la non numerata pecunia, y otorgo formal recibo, mediante loqual me aparto y separo del dro. de propriedad posecion util dominio y señoreo que ha dha habitacion, terreno y medio, esclavos, Goleta, piragua, chalan y animales havia y tenia, y todo lo cedo, renuncio y traspaso en el comprador y en quien su causa y dho hubiere para qe como suyos proprios los posea, venda, cumbre ó enagerse a su voluntad en virtud de esta escritura que a su favor otorgo en señal de real entrega con lo que hace sin visto haver adquirido su posecion sin que necesite de otra prueva de que lo relevo, y me obligo a la evicion seguridad y saneamiento de esta venta en toda forma de dro. con mis bienes havidos y por haver, y estando presente a esta escritura yo el reguirido Dn. Manuel Toledano la accepte á mi favor receibiendo por ella comprada dha habitacion, terreno y medio, Esclavos, Goleta, animales, &c., en la cantidad y conformidad que me van vendidos, de todo me doy por entregado á mi voluntad y otorgo formal recibo. En cuyo testimonio es fha. la carta en la cindad de la Nueva Orleans a veinte y uno de Noviembre de mil ocho cientos y quartro años y el vigesimo nono de la Independencia Americana en presencia de Dn. Franco. Manshall y Antonio Fromentin Testigos vecinos y presente quienes firmaron con el comparador, y por el vendidor quien dixo no saver firmar lo hizo a su ruego Dn. Ramiendo Guillesupan. En fe de lo que Yo Narcisso Broutin Notario Publico de los Etados unidos de America en esta cindad de la Nueva Orleans, he puesta mi firma y el sello de mi officio el die, mes y año referido.

RAYMONDO GUILLESUPAN.
MANUEL TOLEDANO.
ANTONIO FROMENTIN.
FRANCO. MARSHALL.
NARCISSO BROUTIN.
Notario Publico.

I certify the foregoing to be a true copy of an act on file in the records of my office, passed before Narcisse Broutin, late Notary Public in this city. In faith whereof, I grant these presents under my signature and seal of office at New Orleans, this 24th day of March, A. D. 1851. The word "de" and "unidos" interlined, approved.

THEODORE O. STARK,
Not. Pub.

(*Endorsed.*)

21 *November*, 1804.

Sale of property &c., by Gabriel Dubertrand to Manuel Toledano. Marked I.

Filed 3rd Nov'er, 1852.

W. B. HOSMER,
Cl'k.

THEODORE O. STARK,
Not. Pub.

Successor of Narcisse Broutin, Notary Public.

(*Testimony of Bringier, marked J.*)

(*Commission.*)

The State of Louisiana, Parish of St. Tammany. Eighth Judicial District Court.

To any Judge or Justice of the Peace of the Parish of Orleans, State of Louisiana.

Know ye that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to examine the witnesses who may be brought before you, in a certain suit now pending in our said Court, in which Evariste Blanc is plaintiff, and Térence Cousin is defendant, and as well on the part of said defendant as of said plaintiff. Therefore, we desire you that, at certain times and places by you to be appointed for that purpose, that you then and there examine said witness or witnesses apart, upon his or their oaths, first taken before you upon the Holy Evangelists, and that you reduce said witness or witnesses answers to writing, and when you shall so have taken them, that you send the same closed up under your seal to us in our said Dist. Court, at the Court House in the town of Covington, State and Parish aforesaid, on or before the first Monday in Nov. A. D. 1852, and have you then and there this writ. Witness the Hon'ble Joseph Baylies, Judge of said Court, this 8th day of Oct'er A. D. 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Interrogatories to L. Bringier.*)

E. BLANC
vs.
T. COUSIN. } 8th Dist. Court. Parish of St. Tammany, La.

Interrogatories to be propounded and answered by L. Bringier, a witness to be examined on the part of the plaintiff in this case, by virtue of the commission annexed.

Interrogatory 1*st*. Look at the annexed paper, (page 5,) examine the same, and say if the same is or is not a correct copy from the original made by you? and state if you know or do not know that the original was signed as it purports, by the surveyor, C. Trudeau, and state all you know in relation to the same. What has become of the original, by whom and when made, &c.

Interrogatory 2*d*. Have you any knowledge of any person being at any time in possession of the said tract of land described in the plan of survey aforesaid? if yea, state who was in possession thereof, the time and circumstances, and all that you may know in relation thereto.

Interrogatory 3*d*. Have you any knowledge of any other fact, than what you have stated in relation to the said tract of land, and of the

matters in controversy between the parties to this suit? if yea, state the same fully and at large.

(Signed) ALFRED HENNEN.
Att'y for Pl'tff.

Services acknowledged, reserving all legal exceptions, Oct. 8th, 1852.
JONES & CHILDRESS.
Att'ys for Def't.

UNITED STATES OF AMERICA.

State of Louisiana, Parish of Orleans, *City of New Orleans.*

Be it remembered, that by virtue of the annexed commission from the Honorable Eighth Judicial District Court, in a certain suit now pending before the said Court, and wherein Evariste Blanc is plaintiff, and Térence Cousin is defendant, I, Richard Richardson, Third Justice of the Peace, for the Parish of Orleans, State of Louisiana, duly commissioned and sworn as such, caused to come before me, at my office, No. 23, Exchange Place, (up stairs) in the City of New Orleans, on the 11th day of October, 1852, at one o'clock, P. M., Mr. L. Bringier, of lawful age, and domiciliated in the Parish of Orleans, State of Louisiana, a witness on the part of plaintiff, in the above entitled case, and the said witness being first by me duly sworn on the Holy Evangelists of Almighty God, to speak the truth, the whole truth, and nothing but the truth, to the questions put to him in said cause, did depose and say:

I have looked at and examined the paper annexed hereto, purporting to be a copy of the plan of a tract of land of 1240 arpents for G. Dubertran; the same is a correct copy of the original from which it purports to have been taken. The original was signed by Carlos Trudeau, the late Surveyor General of the Province of Louisiana, with whose hand writing and plans I am well acquainted, being successor to him in office for the State of Louisiana, and having the papers thereto appertaining in my possession, and having the constant opportunity of examining them. This copy was taken from the original, as stated in the certificate thereto. What has become of the original, I know not; I presume it is yet in the possession of General John Wilson, who is absent, as I believe, from this State, but where is special residence, I do not know. The order for the delivery by the Governor, and the receipt of Pintado, mentioned in my certificate to the copy, are now in my possession, and the order and receipt are genuine papers.

Answer to the Second Interrogatory. The said tract of land and the said plan mentioned, were in the possession of Nicolas Girod, more than twenty-six years ago, for whom I surveyed it.

To the Third Interrogatory. I know nothing further that I remember.

(Signed) L. BRINGIER.

Sworn to and subscribed before me this 11th October, 1852.

(Signed) R. RICHARDSON.
3*d J. P.*

(*Endorsed.*)

E. Blanc *vs.* T Cousin. Deposition and title annexed, Marked J. Filed 1st November, 1852.

(Signed,) W. B. HOSMER,
Clerk.

(*N. B. Translation No.* 9, *Vide page* 126.)

(*Document K. Received for what it is worth,*)

(*Cert. of Amos Kent, Register of the Land Office, &c., &c.*)

Gabriel Dubertrand, mentioned in the expediente of No 185, V. S. Pintado 1240 arpents in the District of St Helena, between Liberty and Paque Creeks.

LAND OFFICE, GREENSBURG, LA., *April* 4, 1851.

I, Amos Kent, Register, certify that the above is a true extract from the original schedule of 300 Spanish claims filed by Charles Bishop, Jan'y 30th, 1837, for record and confirmation.

In faith whereof I have hereunto set my hand officially, day and date above written.

(Signed) AMOS KENT,
Register.

Nombres de los agraciados.	Orden memorios en relacion. No. 570.	Distritos.	Arpanes planos.
Dubertran Dn. Gabriel.		Bonfouca	1240.

LAND OFFICE, GREENSBURG, LA.

I, Amos Kent, Register, certify that the above is a true extract from "Yndise del No. 4, Tierras concedidas y reparidas desde el año de 1801 hasta 1805 inclusive."

Filed in this office by Charles Bishop, Jan'y 30th, 1837, as confirmatory evidence.

In faith whereof I have hereunto signed my name officially, this fourth day of April, 1851.

(Signed) AMOS KENT,
Register.

Septe. 57o. A Dn. Gabriel Dubertran, que no sé su naturaleza, pero que era muy antiguo en la Provincia. Un terreno de un mil dos cientos y quaranta arpanes entre los arroyos de la Liberte y de Paque, Ramos del Bonfouca en la parte del N. del lago Ponchartrain, cuyo apeo se practico de virtud de decreto de la Intendencia Gral. fecha 13 de Septembre, 1803, de que tomo ruzon el agrimensor general con el plano figurativo en 22 qel mismo mes y año, en que olvidó el No. polo le corresponde el 1627, 1240.

LAND OFFICE, GREENSBURG, LA.

I, Amos Kent, Register, certify that the above is a *fac-similie* (as near as I can make it,) of an Extract from No. 4, "*Donaciones de tierras en la Florida Occident'l.*"

"Relacion Segunda que comprehende las hechae en el quinquenio de 1801 a 1805, al fin del qual se transladé la Yntendencia à Pauzacola, y en lo que sequieré el orden de fechar con que fueron despachadus por el agrimensor general mi predecessor ó por mi como segundo agrimensor de aquellas provincias, haster dicha ultima fecha en que le sucedo."

Filed in this office by Charles Bishop, Jan'y 30, 1837.

In faith whereof I have hereunto signed my name officially, this fourth day of April, 1851.

(Signed) AMOS KENT,
Register.

G. DUBERTRAN, 185.

To the Register and Receiver of the Land Office of the St. Helena District.

Gentlemen—Please take notice that I hereby file a notice of a claim for confirmation to a tract of land of 1240 arpents situated as appears from the subjoined extract from the expediente under the official signature of Vincent Sebes'n Pintado, in the District of St. Helena, upon the waters of Bonfouca. And I therefore pray that this claim may be recommended for confirmation to the original grantee G. Dubertran, or to his legal representatives by the Commissioners of this office. Respectfully submitted.

(Signed) CHARLES BISHOP,
for the Claimant.

Montpelier, Jan'y 30th, 1837.

Land Office, Greensburg, Louisiana.

I, Amos Kent, Register, certify that the above is a true copy of the original filed by Charles Bishop. In faith whereof I have hereunto signed my name officially, this fourth day of April, 1851.

(Signed) AMOS KENT,
Register.

(*Endorsed.*)

Copies of Gabriel Dubertran papers with plat of section 42, being numbered on old survey section 30, marked K.
Filed 3d Nov., 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Defendant's Evidence.*)

Certificate of Confirmation, marked M. (*See page* 9.)
Order of Survey, marked N. (*See page* 10.)
Plat of Survey, marked O. (*See page* 11.)

(*N. B. Translation No.* 10, *pages* 127, 128, 129, 130.)

(*Document marked P.*)

Sale from Cariere to Francis Cousin.

Pardevant Michel de Armas, Notaire Public à la résidence de la Nouvelle Orleans Etat de la Louisiane, Etats Unis d'Amerique, et en présence des témoins ci-après nominés et soussignés. Fut présent le Sieur Térence Carriere, habitant domicilié dans la paroisse St. Tammany, dans cet Etat, de présent en cette ville; lequel agissant en sa qualité d'Exécuteur Testamentaire de feu Sieur François Cousin, vivant, demeurant dans la dite paroisse St. Tammany et par ces présentes et par suite, de la vente à l'encan qu'il a fait faire le trois du Courant par le ministére des Sieurs Dutillet et Sayory, Encanteurs public en cette ville aprés avis donnés en Anglais et en Français dans plusieurs des gazettes qui s'imprement en cette ville, déclare vendre, céder et transporter, dés maintenant et à toujours avec promesse de garantie de la part des héritiers, de tous troubles, de toutes hypothéques, évictions, alienations et autres empechements généralement quelcongues, et de plus, quant aux esclaves, des maladies et vices prévus pour la loi. Au Sieur Fran's Cousin fils, habitant domicilié dans la dite paroisse St. Tammany;* sur le Bayou Lacombe à environ six milles de son embouchure, ayant environ quarante arpens de face sur environ quatre-vingt arpens de profondeur, ensemble les maisons circoustances et dépendences qui sont dessus, tel que le tout se présente et comporte sans en rien excepter ni réserver; le vendeur n'entend pas garantir la contenance de la dite habitation en sorte qui si d'après les papiers et titres relatifs à cette habitation elle doit avoir plus de contenance, ce sera un profit de l'acquéreur, comme si elle doit avoir moins de contenance sera à sa perte. 2o. Une autre habitation située dans la même paroisse St. Tammany sur le Bayou Bonfouca, a environ quatre milles de son embouchure, laquelle d'après les titres, devrait avoir quarante arpents de face sur quarante de profondeur, mais les voisin limitrophies étant déja établis sur leurs terre lorsque cette habitation a été concedée, elle ne se trouve avoir à present qu'environ vingt arpents de face, circonstance qui donne au propriétaire le droit de réclaimer sur la profondeur l'equivalent de ce qui lui mangue sur la face; la dite habitation vendue telle qà'elle se poursuite et comporte, ensemble avec le dit droit de re-

* De present en cette ville, et ici présent et acceptant, pour lui, ses heritiers et ayans cause, 1o. Une habitation située dans la dite paroisse St. Tammany. (*This reference approved.*)

clamer dans la profondeur ce qui man que sur la face ; le vendeur n'entendant pas néanmoins soumettre les héritiers du Sieur François Cousin pére à aucune garantie pour ce qui regarde le dit droit ; et de plus les établissements et autres améliorations qui sont dessus sans en rien excepter ni réserver. 3o. Les Magazins en briques et autres augmentations et améliorations qui se trouvent sur un emplacement mesurant quarante pieds de face au Basin Carondelet, quarante pieds de face à la rue des Remparts, et ayent cent vingt pieds d'une face à l'autre, le dit emplocement formé de la réunion de quatre lots, Nos. trois, quatre, vingt-neuf, et trente, que la Compagnie de navigation a vendue moyennaut une rente annuelle et perpétuelle à raison de six pour cent sur le capital, savoir : pour le lot No. trois, deux mille huit cents piastres, pour le lot No. quatre, deux mille quatre cent cinquante piastres, pour le No. vingt-neuf, trois mille sept cent cinquante piastres, et pour le No. trente, trois mille cinq cents piastres ; la dite rente rachetable par l'acquéreur pour ce qui regarde chaque lot par le paiement du capital qui ne peuvent pas être moindre du quart du prix pour lequel chaque lot a été primitivement vendu par la dit Compagnie de navigation, ainsi qu'il appert de l'acte passe devant le Notaire Soussigné, en date du premier du Courant par les Syndics de Dominique Rouquette, en faveur du dit Sieur Térence Carriére en sa dite qualité d'Executeur Testamentaire, la dite rente commençant à courir pour le compte du dit Sieur Fran's Cousin fils à partir dujour de la dite vente à l'encan, et les dits lots restant hypothéqués ensemble avec les batisses qui sont dessus en faveur de la dite Compagnie de navigation tant pour sureté de l'exacte service de la vente sus énoncée que du capital du priz pour lequel chacun des dits lots a été adjudgé, le dit Sieur Fran's Cousin fils déclarant connaitre parfaitement toutes les clauses, charges et conditions aux quelles sont tenus les propriétaires des dits lots envers la dite Compagnie et promettant de s'y soumettre pour ce qui est relatif aux quatre lots sus mentionnés de même que s'il est avait acquis directement de la dite Compagnie. 4o. Une goëlette neuve avec ses agrés et apparaux, nommée la Céleste, es une pirogue. 5o. Et enfin treize têtes d'esclaves nommés Lafortune, nêgre agé d'environ cinquante ans, apollon, negre agé d'environ vingt-cinq ans, Pluton nêgre agé d'egviron cinquante ans, cupidon nêgre d'environ cinquante ans, Grand Pierre nêgre d'environ cinquante ans, ayant une hernie et une jambe malade, Antoine negre d'environ cinqnante ans, boiteux, Alexandre nêgre d'environ trente-trois ans, Valentin Mulatre d'environ vingt trois ans, Jim ou James, nêgre d'environ vingt-cinq ans, Tom nêgre d'environ vingt-cinq ans, Louis dit Tombereau d'environ vingt-cinq ans et Vendredi d'environ quarante-huit ans, pour par le dit Sieur Acquereur jouir faire et et disposer les dits habitations, magasins, goelette et esclaves, comme de chose lui appartenant en toute propriété au moyen des présentes. La présente vente est faite pour et moyennant les différentes sommes pour les quelles les objéts ci-dessus enumérés out été adjugés au dit Sieur Acquéreur à la vente à l'encan sus mentionnée Savoir :

L'habitation du Bayou Lacombe pour Deuxmille piastres,	$2,000
L'habitation de Bonfouca pour quatorze cents piastres,	1,400
Les magasins et Catisses sur l'emplacement du, Bayon pour six cents piastres,	600
Piastres ci,	$4,000
La Goëlette et la pirogue pour quatre cent soixante dix piastres,	470
Lafortune pour Cing cents piastres, ci,	500
Apollon pour neuf cents piastres ci,	900
Pluton pour sept cents piastres,	700
Cupidon et Marie pour Sept cent cinquante piastres,	750
Grand Pierre pour Deux cent vingt piastres,	220
Antoine pour Sept cents piastres,	700
Alexandre pour Quinze cents piastres,	1,500
Valentin pour dix Sept cents piastres,	1,700
James ou Jim pour Jeize cent dix piastres,	1,610
Tom pour Quinze cent dix piastres,	1,510
Louis, dlt Tomberau pour Deux mille deux cents piastres,	2,200
Et vindredi qour Sept cents piastres,	700
Lesquels Goëlette et esclaves se montent à la somme de Treize Mille quatre cent soixante piastres, ci,	$13,460

D'après les conditions de la vente le Sieur acquéreur a payé comptant au sieur vendeur, qui le reconnait et en dome quittance avec renonciation à la loi non numerata pecunia, le tiers de la dite somme de Treize mille quatre cent soixante piastres, le quel tiers est de quatre Mille quatrevingt six piastres soixante six cents et deux tiers; quant aux antres deux tiers de cette dite somme et celle de quatre mille piastres ci-dessus mentionnée, fesant ensemble la somme de Douze mille neuf cent soixante et treize piastress treute trois sous et un tiers, le sieur acquéseur, conformément aux mêmes conditions de conditions de la vente, promet et s'oblige de payer et acquitter, Savoir: moitié dans un an et moitie dans deux ans, á partir du dit jour de la vente à l'enean. En conséquence a toute présentement fourni au vendeur es-qualité, qui le recnnait avec décharge, deux billets souscrits par lui, acquéreur, en date du Trois février, présent mois, prix de la dite vente à l'encan, chucun de la somme de six mille quatre cent quatre-vingt six piastres et soixante six cents et un sixième, payable á l'ordre du Sieur Antoine Rene fils, par qui ils sont endossés, l'un à un an de date et l'autre à deux ans; les quels deux billets out été signés ne varietur, par le notaire soussigné, pour en constater l'identité avec les présente . Et à la sureté exacte paiement de chacun des dits deux billets a leur échéance respective, l'acquéreur consent que les habitations, magasins, goëlette et esclaves présentement vendus soient et demeurent spécialement et par privilege affectés, obligés et hypothéqués.

D'après le certificat du uonservateur des hypothéques en citte ville, á la date due Sept du Courant, les objéts vendus par les présentes ne sont sujets à au cune hypothèque inscrite contre la succession du dit feu Sieur François Cousin père ; mais le vendeur déclare que les lots de terra composant l'emplacement situé sur le basin Carondelet ainsi que les édifices qui sont dessus, sont hypothéqués en faveur de la Compagnie de Navigation, pour sureté de l'exacte paiement tant de la vente con stitueé sur leprix pour le quel les dits lots ont été vendus, que du prix capital, ainsi que pour la fidèle exécution des obligations sous les quelles les dits lots out été primitivement vendus par la dite compagnie de la quelle hypothèque l'acquéreur déclare avoir une parfaite connaissance et prendre la reversion.

C'est ainsi, &c., promettant, obligeant, renonçant &c—Dont aetc: Fait et passé á la Nouvelle Orlèans, en l' Etude, le dixieme jour du mois de Février de l' année mil-huit cent vingt, la quarante quatrieme de l'indèpendance Américaine, en présence des Sieurs Felix de Armas et Alphonse Robin, témoins requis et domiciliés, et ont les parties Signé avec les dits notaire et témoins après lecture faite.

(La minute est Signée)

TE. CARRIERÈ,
F. COUSIN,
FELIX DE ARMAS,
A. ROBIN,
MICH'L DE ARMA,
Not. Pub.

Pour copie conforme à la minute restée parsni les archives de feu Michel de Armas et notaire, et dont je suis le dépositaire. En foi de quoi jai ici apposé mon seean et ma signature, ce dix Octobre A. D. 1851.

(Signé) JOHN CLIBORNE,
Not. Pub.

(*Endorsed.*)

No. 65—*le* 10 *Fevriér* 1820. *Marked P.*

Vente de habitation, esclaves, etc: Francois Cousin en qualité á François Cousin fils. Filed 1st November, 1852.

(Signed) W. B. HOSMER,
Clerk.
MICHEL DE ARMAS,
Not. Pub.

(*Document Marked Q.*)

(*Sale from F Cousin & al: To Louis Donet.*)

STATE OF LOUISIANA, Parish of St. Tammany.

Be it known and remembered that on this fifth day of November,

in the year of our Lord 1827, and in the year of the Independence of the United States of America, the fifty-second, in conformity to a judgment of the Court of Probates of said Parish, decreeing a partition of the property held jointly by François Cousin, Louis Donet, and the succession of Madame Rouquette, it having been determined that said property was not susceptible of a partition in kind, the parties of age, and the family meeting on the part of the minors having directed the property sold on this day payable one-half in the month of April next, and the other half in the month of April 1829, the notices required by law having been given, I, Jesse R. Jones, Judge of said Parish, proceeded to the sale of a tract of land fronting on Bonfouca, containing eight hundred arpents; also another tract adjoining the last, and extending across, the Bayou Pickett, containing one thousand arpents, also the Schooner Celeste, her tackle and apparel, all belonging to the above named parties, and after the various offers and bids, Louis Donet, being the highest and last bidder, said property was adjudged to him, the first described tract at the sum of six hundred dollars, the second described tract at the sum of five hundred and twenty dollars, and the Schooner at six hundred dollars.

Wherefore, by the authority vested by me in law, I declare the said Louis Donet to be the owner of said property. Given under my hand and seal of office this fifth day of November 1827.

JESSE R. JONES,
Parish Judge.

STATE OF LOUISIANA, Parish of St. Tammany.

I certify the foregoing to be truly recorded in notarial record book, B., page 189. In testimony of which, I hereunto set my hand and affix the seal of my office, this 9th day of November, 1827.

JESSE R. JONES,
Parish Judge.

STATE OF LOUISIANA, Parish of St. Tammany.

I, the undersigned, Recorder of the Parish aforesaid, certify the foregoing to be a true copy of the original extant and of record in my office. In faith whereof I grant these presents under my official seal and signature, this tenth day of October, A. D. 1848.

JOHN J. MORGAN,
Recorder.

(*Endorsed.*)

F. Cousin & al: to Louis Donet. Copy m'ked Q. Filed 1st November 1852.

W. B. HOSMER,
Clerk.

(*N. B. Translation No.* 11. *Vide payes* 130, 131, 132, *and* 133.)

(*Document Marked R.*)

Sheriff's Sale (in Succession of Louis Donet) to Térence Cousin.

Aujourd'hui, le dix-Septième jour du mois de Mai, de l' année 1849, et la soixante treizième de l'indépendance des Etas Unis d'Amérique. Par devant Louis T. Caire, Notaire Public dans et pour la ville et paroisse de la Nouvelle Orléans, dûment commissionné et assermenté, et en prsénce des témoins ci-après nommés et soussignés, Fut présent Mr. Michel de Armas, demeurant en cette ville, agissant aux présentes en qualité de Député Shérif de la Paroisse d'Orléans, le quel nous a expose que le douze du Courant, en exécution d'un décrét rendu par la Seconde Cour de District de la Nouvelle Orléans, le trois avril de la présente année, dans l'affaire de la Succession de feu Louis Donet, et sur pétition présentée par Dame Veuve Donet, tant en son nom personnel que comme Tutrice de ses enfans mineurs. Le dit Sieur comporant, en sa qualité ci-dessus enoncée, et après les publications et avis prescrits par un acte de la Législature de cet Etat, approuvé le Seize Mars 1843, a exposé à midé précis à le Bourse St. Louis, rue St. Louis, en cette ville, àl'effet d'opérer un partage, une certaine étendue de terre située à Bonfouca, Paroisse St. Tammany, ci-aprè plus amplement décrite, et qu à cette vente, Mr. Nelson Fouché, agissant au nom et pour le compte de Mr. Térence Carrierè, comme plus offrant et dernier enchérisseur, S'est rendu adjudicataire d'un lot de terre, designe par le No. Deux, pour la somme de Deux mille cing cents piastres, payable un tiers comptant, et la balance à six, douze, dix-huit, et vingt-quatre mois de crédit, en billets portant six pour cent d'intérêt, du jour de l'adjudication, jusqú à parfait paiement, et assurés par une hypothéque sur la propriété vendue cinsi que le tout appert plus amplement au procès verbal de vente délivré par le dit Sieur Michel de Armas, annexé à un cete de vente daté de ce jour, portant vente pour la dite Succession Donet à Eugène Pichon. En conséquence et en exécution de la dite adjudication, le dit Sieur Michel de Armas, en sa qualité sus-dite, nous a déclaré qu'il vend, céde, quette, transporte et abandonne au dit Sieur Térence Carrierè, demeurant à Bonfouca, Paroisse St. Tammany en cet Etat de la Louisiane, ci jour en cette ville, ici présent et acceptant acquéreur pour lui, ses héritiers ou ayans-cause, tous les droits, actions et prétentions, de quelque nature qu'ils soient, que la veuve et les héritiers de feu Sieur Louis Donet out et peuvent avoir à: Un Lot de terre désigné par le No. Deux sur un plan exhibé le jour de la vente à l'encan et déposé dans le bureau du Shérif contenant Sept cents arpents de superficie, borné à la limite supérieure par la propriéte de Mr. Térence Cousin et à la limite inférieure par celle de Mr. Evariste Blanc; la dite terre divisée en deux lots désignés par les Nos. Un et deux sur le plan ci dessus mentionné. La terre ci dessus décrite appartenant, de son vivant, à feu Sieur Louis Donet, pour en avoir fait l'acquisition comme plus offrant et dernier enchérisseur, le cing Novembre 1827, à

la vente publique faite par l'honorable Jesse R. Jones, Juge de la Paroisse St Tammany, ainsi qu'il appert de l' acte de vente qui nous a été exhibé et qui a été immédiatement remis au dit Sieur Pichon, acquereur du lot No. Un ci-dessus relaté. Cette vente faite par l' honorable Jesse Jones, eut lieu en vertu d' un jugement rendu par la Cour des Preuves de la Paroisse St. Tammany à l'effet d'opérer un partage entre François Cousin, Louis Donet et la Succession de Madame Ronquette.

La présente vente est faite conformément à l'adjudication ci-dessus énoncée pour la somme de Deux mille cinq cents piastres, payable un tiers comptant, et la balance à six, douze, Dix-huit et vingt-quatre mois à compter du jour de l'adjudication, à compte de la quelle l'acquéreur, le dit sieur Carrierè, a payé en monnaie courante des Etats-Unis comptées et délivrées hors la vue du Notaire et des témoins soussignés, la somme de huit cent trente trois piastres et trente trois cents et un tiers, au dit Sieur Michel de Armas agissant comme il est dit ci-dessus, le quel le recounait et en consent quittance. Et pour la balance, savoir: la somme de seize cent soixante six piastres soixante six cents et deux tiers, le dit sieur acquereur a fourni quatre billets portant la date du douze Mai, présent mois, jour de l'adjudication, souscrits par lui à l'ordre de Mr. Térence Cousin, qui les a endossés, de la somme de quatre cent seize piastres et soixante six cents deux tiers chacun, portant interet a raison de six pour cent par an à compter de leur date jusqú á parfait paiement, et payable respectivement à six, douze, dix-huit et vingt-quatre mois de leur date, les quels billets apres avoir été signés ne varietur, par moi notaire, pour les identifier avec le présent acte, ont été délivrés au dit sieur Michel de Armas, le quel en sa qualité sus-dite reconnait et en donne décharge. Pour assurer le paiement des dits billets en capital et intérêts, le lot de terre, objet des présents et les amiliorations qui sont dessus, sont et demeurent spécialemente affectés, obligés et hypothéqués en faveur des vendeurs ou des porteurs des dits billets, le dit Sieur Carriere S'obligeant par les présentes à ne point vendre, aliéner ou hypothéquer la propriété ci dessus décrite au préjudice de la présente hypothéque. Par suite de ce qui précede, le dit Sieur de Armas, met et subroge l'acquéreur dans tous les droits généralement quelconques que la dite dame Véuve Donet, les héritiers de feu Louis Donet et le dit Donet lui même avaient et pouvaient avoir au lot de terre, objet des présentes, et même dans tous les droits de recours en grantié qu'ils pourraient avoir à exercer contre les vendeurs ou propriétaires précédents, voulant et entendant que le dit sieur acquéreur puisse les exercer en leur lieu et place au moyen des présents. Il appert du certificat du conservanteurs des hypothéques pour la paroisse St. Tammany transcrit au bas du procès verbal de vente annexé comme il a été dit ci-dessus qu'il n'ya point d'hypothéque enregistrée contre la succession du dit Sieur Louis Donet ni aux noms de dame Adile Rouquette, veuve de Mr. Louis Donet, Dame Louise Donet, épouse de Mr. Cyprien Durfor, Claire Adile Donet, Oscar Donet, Amenaide Donet, et Armantine Donet. Dont Acte fait

et passé en l'etude à la Nouvelle Orléans les jour, mois et an que dessus, ou présence de Messrs. Henry Droz et Louis Emmanuel Laloire, témoins à ce requis, et domiciliés en cette ville les quell. out signé avec les partiés et moi notaire aprés lecture faite.

(Signé) T. CARRIERÈ,
MICHL DE ARMAS,
Dy. Sheriff.

H. DROZ,
LOUIS E. LALOIRE,
LOUIS T. CAIRE,
Not. Pub.

Pour copie conforme à l'original resté en mon Etude pour recours. En foi de gewi j'ai signé les présentes et ai apposé le sceau de mon Etud à la Nouvelle Orléans le 22 Juin, 1849.

(Signé) LOUIS T. CAIRE,
Not. Pub.

STATE OF LOUISIANA, Parish of St. Tammany.

I the undersigned, Recorder of the Parish of St. Tammany, certify that the foregoing act has been this day duly recorded in my office in Notarial Record book B, pages 16, 17 and 18.

In faith whereof I grant these presents under my official signature and seal of office this 27th day of June, A. D 1849.

[SEAL] (Signed) ISAAC EVANS,
Recorder.

STATE OF LOUISIANA, Parish of St. Tammany.

I the undersigned, Recorder of the Parish of St. Tammany, certify that the foregoing act has been this day duly recorded in my office in Mortgage Record book A, pages 224 and 225.

In faith whereof I grant these presents under my official signature and seal of office this 28th day of June, A. D. 1849.

[SEAL] (Signed) ISAAC EVANS,
Recorder.

(*Endorsed.*)

17th May, 1849. Vente d'une portion de terre par la succession de feu Louis Donet, à Térence Carrierè. Marked R.

Filed 1st Nov. 1852.

W. B. HOSMER,
Cl'k.

(*Document marked S.*)

(*Sale of land from Térence Carrierè to Térence Cousin.*)

Be it known by these presents that I, Térence Carrierè of the Parish of St. Tammany, State of Louisiana, have bargained, sold and delivered unto Térence Cousin of the same Parish and State, present and accepting for himself and his heirs, a certain tract of land lying and being situate in said Parish and State on the Bonfouca, being lot No. two, on a plan exhibited by the Sheriff of the Parish of Orleans at the time the present vendor acquired the same, having seven hundred arpents. Said lot made part of a tract of land situate on the right bank of Bayou Liberty, measuring eight hundred arpents, bounded above by the land of Térence Cousin, and below by that of E. Blanc; said land was acquired by the present purchaser by act before Louis T. Caire, a Notary Public of the city of New Orleans, dated May 17th, 1849, at Sheriff's sale, the same being sold as the property of the widow and heirs of Louis Donet, together with all the rights, titles, privileges and appurtenances thereunto belonging, and the said vendor binds himself to warrant and defend the title to said land from all claims and encumbrances whatsoever. This sale is made for and in consideration of the sum of three thousand dollars, one thousand, three hundred and thirty-three dollars and one third, cash; and the balance in four notes each for four hundred and sixteen dollars sixty-six and two third cents, each payable in six, twelve, eighteen and twenty-four months from the 12th May, 1849. Said notes were given by the present vendor as part of the original purchase money, signed by the vendor and endorsed by the present purchaser and delivered to the representatives of the said Louis Donet, and a mortgage reserved on the peoperty to secure the final payment. And the said Térence Cousin binds himself to take up said notes at maturity. Done and passed and the parties have signed their names with Jesse R. Jones and John Cousin witnesses, who have also signed.

(Signed) T'CE CARRIERE,
T'CE COUSIN,

(Signed) JEAN COUSIN,
JESSE R. JONES.

STATE OF LOUISIANA, Parish of St. Tammany.

Before the undersigned Recorder of the Parish of St. Tammany, State of Louisiana, duly commissioned and sworn to exercise the powers of Notary Public therein, personally appeared Mr. Jesse R. Jones, one of the witnesses named to the above act, who being duly sworn, declared that he saw the parties sign their names to the above act of sale, and also at their request signed the same as witness, that

the signatures are genuine as well as that of the other witness above named. All done on the day and date therein mentioned.

(Signed) JESSE R. JONES.

Sworn and subscribed to before me this 13th day of July, A. D. 1849.

ISAAC EVANS,
Recorder.

STATE OF LOUISIANA, Parish of St. Tammany.

I the undersigned, Recorder of the parish of St. Tammany, certify that the foregoing act has been this day duly recorded in my office in Notarial Book B, page 31.

In faith whereof I grant these presents under my official signature and seal of office, this 14th of July, 1849.

ISAAC EVANS,
Recorder.

(*Endorsed.*)

Térence Carrierè to Térence Cousin. Sale of land marked S.
Filed 1st Nov. 1852.

W. B. HOSMER,
Clerk.

(*Report of Commissioner of Gen'l Land Office.*)

GENERAL LAND OFFICE, *April 2d*, 1852.

Sir,—I have the honor to return the petition of Evariste Blanc with the accompanying papers, marked A, B, C1, C2, D, E, F, G, H, also a bill which it is presumed the petitioner proposes for his relief, and a memorandum. Mr. Blanc asks of Congress the confirmation of 1240 arpens "situated in the forks of the Bayou Bonfouca, on the north-eastern side of Lake Pontchartrain, and at a distance of about three miles north of said lake, in the Parish of St. Tammany and State of Louisiana." As the foundation of this claim, Mr. Blanc presents the enclosed copy A of an alleged Spanish survey, dated 22d Sept. 1803, in favor of D'n Gabriel Dubertran for 1240 arpens, accompanied by a certificate dated 20th May, 1845, from L's Bringier, Surveyor Gen'l, (State Surveyor General of Louisiana, it is presumed,) certifying the plat of survey and process verbal in said paper A to be a true and exact (duplicate) copy of the original filed in book [G] D No. 4 fol'o 48, now in possession of Gen. John Wilson, which book has been obtained from D. Vincent Pintado, to whom it was delivered by Don Carlos Trudeau Surveyor General of Louisiana for the king of Spain; by virtue of an order of the Intendent Don Ventura Morales dated 14th January, 1806, which Mr. Bringier states "is filed together with the receipt of

Don Bicente Pintado in bundle No. 67 as part of the Surveyor General's records under his charge." Mr. Blanc presents the other papers designated by letters to show that Dubertran sold to Manuel Toledano; that the widow and heirs of Toledano sold to Nicolas Girod; that Girod made a donation of the land to Charles Favre Daunoy, and to the minor children of Basile Beauregard; that Daunoy sold his moiety to Joseph Soniat Dufossat; that Dufosset and the minor children of Beauregard sold to the petitioner Evariste Blanc.

That on the 30th January, 1837, a claim to the tract was laid before the Register and Receiver of St. Helena District, (now Greensburg) for confirmation, and not acted on; the petitioner refers in proof of this to paper G., which contains a certificate dated April 4th, 1851, from the present Register at Greensburg, embracing copies of certain papers as filed by Charles Bishop; the first extract on said paper G., purporting to be a true extract from the original schedule of 300 Spanish claims, filed by Charles Bishop, January 30th, 1837, for record and confirmation.

The petitioner further represents, that when the public lands in the Township in which the claim is situated, namely, 9 S. R. 13. E. were surveyed, the Surveyor returned it as private property into the land office on the 15th April, 1828, and refers to paper H, as showing it. On turning to that paper H, however, it will be found that the lands are laid down in the names of parties *other* than those named in the petition, as being those through whom the title is delivered by petitioner. The petitioner states also, that he has been in possession of the said tract of land since the purchase, on the 30th April, 1836, and "is now in possession of the same as sole owner, and has established a large expensive brick yard thereon, in consequence of which the same has become of great value," and for the reasons which he sets forth, he desires "to obtain a title according to the original survey.

I find no proof presented with the papers in support of the alleged possession and value of the improvements. We have no evidence before us that a transcript of the said survey in the book alluded to, was ever actually delivered by the proper Spanish officer to the original claimant, nor any evidence touching the verity of the original proceedings further than the certificate to paper A. It will be observed further, that even if regular in all respects, the incipient proceedings in regard to survey were taken in 1803, being subsequent to the Treaty of 1800, at St. Ildefonso, when Spain parted with her title to the territory embracing the land in question. There is consequently no treaty obligation whatever upon this government to respect the alleged claim, because it originated at a period when Spain had not the legal power to grant, and there is no such proof nor showing in the matter as would warrant this office in recommending the claim to be confirmed as adonation

With great respect, your obedient servant,

J. BUTTERFIELD,

Commissioner.

The Honorable S. W. Downs, Chairman of the Committee on private land claims

(*Endorsed.*)

E. Blanc, *vs.* T. Cousin.

Filed 5th November, 1852.

W. B. HOSMER,
Cl'k.

(*Letter of Thos. B. Harper.*)

NEW ORLEANS, *April* 21, 1852.

TO MESSRS. HENNEN & JONES—

GENT:—The survey which is required to be made in the case of Blanc, vs. Cousin, "I propose to commence with an understanding between all parties as to the compensation to be given for it, and as to what shall be paid for the survey made by me last summer. I am willing to undertake the work, if it be agreed by all parties that I shall have $350 for the survey performed last summer, and be paid $450 for the one contemplated now; my reason for requiring an understanding upon this matter is, that the work required to be done, is much too arduous to leave the consideration to be paid for it, to be determined by any but ourselves, or to leave any room for a disagreement respecting it. The sums mentioned are the lowest to which I can agree. I shall leave the city on Friday next, and will be greatly obliged to you for your answer before leaving.

Very respectfully your ob't serv't,
THOS. B. HARPER.

(*Endorsed.*)

Messrs. Hennen & Jones, New Orleans. F. Blanc, *vs.* T. Cousin.
Filed 5th Nov'er, 1852.

W. B. HOSMER,
Cl'k.

(*Certified Copy of Notice of Claim No.* 21 *of Fs. Cousin. Marked T.*)

(*Copy.*)

To James O. Cosby, Land Commissioner for the District West of Pearl River.

SIR:—Take notice that I claim 40 arpens front, and 120 deep; this claim to said land is founded on a Spanish title which was burnt in the office of C. Trudeau, as will more plainly appear by S. Trudeau's certificate; said land never was surveyed. Claimant has inhabited and cultivated said land for the term of forty-four years. Said

land lies on the west side of the Bayou Lacombe, in the Parish of St. Tammany.

(Signed) FRANÇOIS COUSIN.

Recorded in office of clerk to Commissioners of land claims for the District West of Pearl River. Book E., page 4.

(Signed) CHS. S. COSBY,
Clerk.

U. S. LAND OFFICE, Greensburg, Louisiana.

I, Amos Kent, Register, certify that the above is a true copy of a document on file in this office. In faith whereof I have hereunto signed my name officially, this 6th day of October, 1851.

(Signed) AMOS KENT,
Register.

(*Endorsed.*)

Copy of François Cousin, Notice of Claim, No. 21. J. O. Cosby, anomalous claims. E. Blanc *vs.* T. Cousin, Marked T. N. B. Judge. Filed 5th November, 1852.

W. B. HOSMER,
Clerk.

(*Petition of F. Cousin, Marked W.*)

To James O. Cosby Esq., Land Commissioner for the District west of Pearl River.

Sir:—Take notice that I claim 20 arpens front, with the usual depth of 40 arpens of land lying on Bayou Liberty, the north-western side, granted on the 7th June, 1787, to Mr. Beltran, from him transferred to Mr. Le Blanc's son, and from him, claimant. Said land has never been surveyed: said land was settled immediately after the Order of Survey, in the year 1787, and has been inhabited ever since.

FRANÇOIS COUSIN.

Parish of St Tammany, 13th July, 1813.

I, John W. Gurley, Register to the Land Office, for the Eastern District of the Territory of Orleans, do certify that upon the records now in my possession, of the warrants of survey issued by the Spanish Government within the late province of Louisiana, there is one registered in the following terms, viz:

(*N. B. Translations No.* 12, *Vide pages* 133 *&* 134.)

Veinte y nueve de Octobre de mil setecientos of Novenba. A Don Louis Antonio Le Blanc viente arpanes de terra de fronte con la profondad ordinario de quaranta situado del otro lad del lago en el parage vulgaramente Clamado Bayou de la Libertad lindando de un lado con Isaco. Dubuson y del otro al dominico de la Magestad.

Given under my hand at the City of New Orleans, the 30th of Sept., 1807.

In behalf of the Register. F. HAR,

Translator of the Board of Commissioners.

Je declare par le présent écrit, avoir vendu à Monsieur François Cousin habitant du Bayou Lacombe toutes les terres qui peuvent m'appertenir à moi ou à mon fils Evariste Le Blanc du quel le dit Sieur Cousin peut disposer dés ce moment comme lui appartenant, et en faire ce qu'il jugera à propos.

LOUIS BLANC.

De Bayou St. Jean, le 24 Mars, 1806.

(*Notice.*)

J'ai remis au dit Sieur Cousin tous les titres qui était a mon pouvoir contenant les dites terres.

Señor Gobernador Gral Dn. Anoxes Beltran vecino de esta Prova. a V. S. con la mayer vennacion expone que habitiando establicéde astro del laggo sobre el esterro la Libertad a la derecha subiendo sobre una terrence que no le es suficiente para sus ganados disearse le concedeire V. S. viente arpanes de fronte en el mismo parage lindando por un lado las Bayus y per otro al dominios per tanto a V. S. suplico de serva concedere otro viente arpanes en el parage mencionado gracia que espera recibir de lo notorio bondad de V. S. Nueva Orléans 6 de Junio de 1787. Nueva Orléans 7 de Junio 1787. El agrimensor General de esta provincia establicera esta parte sobre los veinte arpanes de fronte con la profondad ordinareo de quaranta en el parage que solicita, estando vacantes y no causando perpricios con las expressas condiciones de hacer caminos y des montes necessario en el termino de un año, de que dar mula esta concession si al expirar el preciso espacio de tres años la terra no si hubiere establicado y ar no poder enagenar en los mismos años cuyo indispensable super esta estendera las diligencias del apeo que me remitero para provar al interesado del correspondente titulo en forma, Elevan Miro.

Je soussigné declare avoir bien et doucement cédé comme je céde par la présente à Mr. Evariste Le Blanc la concession de terre que moitié faite par Monsieur le Gouverneur Géneral conformément au mémorial ci-dessus que j'ai remis au dit sieur pour lui servir de titre de la présente concession au besoin sera, du Bayou St. Jean, le Janvier, 1797. E. Rogneque témoin, Zte. Chalon témoin.

Je declare par le présent écrit avoir vendu a Monsieur François Cousin habitant du Bayou Lacombe la terre expliquée ci-dessus que le dit sieur m'a payé comptant en la somme de cent piastres, du Bayou St. Jean, 24 Mars, 1806.

(Signé) LOUIS BLANC.

LAND OFFICE, Greensburg, La.

I, Amos Kent, Register, certify that the foregoing is a true copy of a document on file in this office, marked and numbered to correspond with claim No. 21, of Jas. O. Cosby's Report of anomalous claims.

In faith whereof, I have hereunto signed my name officially, this 6th day of Oct'r, 1851.

AMOS KENT,
Register.

Copy of evidence in support of claim No. 21, (A) not filed, but found in document marked W.

Filed 1st Nov'r, 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Title R. Plea of Prescription by Pl'tff.*)

E. BLANC
vs.
T. COUSIN. } 8th District Court, Parish of St. Tammany.

And now the said Evariste Blanc by his attorney, Alfred Hennen, comes into Court, and by leave of the Court first had and obtained, pleads the prescription of ten years to the claim and action in reconvention of the said Cousin, in so far as it regards the tract or parcel of land purchased by him, the said E. Blanc, from the heirs of François Alpuente by notarial act before Chs. Boudousquié, dated 4th March, 1844, and the receipt of the said land office for the purchase money thereof, bearing date——and No. 1280, and according to the plan referred to in the act of sale aforesaid, the said tract containing two hundred and twenty-two acres and $\frac{80}{100}$ of an acre, which was taken possession of by this respondent after a survey of the same, and has been held in possession without interruption and in good faith by him, the said E. Blanc and the vendors of the same, to wit: F. Alpuente and his heirs, from the date of the certificate, to wit: since the year 1836, whereby a good title to the same has been acquired by the said E. Blanc against the claim of the said T. Cousin, the defendant in this suit and plaintiff in reconvention. Wherefore he prays that said plea of prescription of ten years may be sustained. And as it regards the other part or parcel of the land in the petition mentioned, to wit: a tract of twelve hundred and forty arpents. This defendant in reconvention to the claim of the said T. Cousin, pleads the prescription of ten, twenty, and thirty years, and says that he and those under whom he claims have been in possession of the same with title thereto, and in good faith without interruption, and thereby a good title to the same against the said T. Cousin has been acquired, and the said E. Blanc pleads the said prescription of ten, twenty, and thirty years, to the action of the said T. Cousin, and prays that this plea of prescription may prevail, and that he may be quieted in his possession to the tract of land aforesaid, with all other relief the case may require, and with costs.

ALFRED HENNEN,
Att'y for E. Blanc.

(*Endorsed.*)

E. BLANC
vs.
T. COUSIN. } 8th District Court, St. Tammany.

Plea of prescription, Hennen. Filed 5th Nov'er, 1852.

W. B. HOSMER,
Clerk.

(*Plaintiffs Affidavit for Continuance.*)

E. BLANC
vs.
T. COUSIN. } 8th Dist. Court, Parish of St. Tammany.

E. Blanc, the plaintiff in this suit, and defendant in reconvention, being duly sworn, doth depose and say: That he has always been under the impression and belief that the Receipt of Paris Childress, annexed to the Bill of sale from the heirs of F. Alpuente, to him, the deponent, of which a copy is on file, had a date, and it is only on this morning that he has discovered his mistake on the information of his Counsel in this case. That he is taken by surprise by the discovery of this error, as he was under the belief that the certificate should have a date to it, and it was the duty of the officer to place a date to it. That the time of giving the certificate was some time about 1836 or 1837, and previously to the time when said P. Childress left the office, which was in November or December, 1837, as this deponent is informed and believes. That by obtaining a delay of two days, and a continuance of the cause until that time, this deponent can obtain from the land office at Greensburg, the exact date when the said receipt and certificate was given. That deponent asks for such continuance to obtain the date as aforessid. That the Counsel for the defendant has this day declined in open Court, that they have and known the time of the date of said certificate, but refuse to admit the date thereof; that this continuance is only asked for the purpose of Justice and not delay, and that the testimony can be obtained if the continuance is granted, and that the testimony will go in support of the claim of this deponent to the land mentioned in said certificate.

(Signed) E. BLANC.

Sworn to and subscribed before me, in open Court, this 5th November, 1852.

W. B. HOSMER,
Cl'k.

(*Endorsed.*)

E. BLANC
vs.
T. COUSIN. } No. —. 8th Judicial District Court.

Affidavit for continuance. Filed 5th November, 1852.

W. B. HOSMER,
Cl'k.

(*Release of F. Cousin, Witness for Defendant.*)

EVARISTE BLANC
vs.
TÉRENCE COUSIN. } 8th Judicial District Court, Parish of St. Tammany. November Term, 1852.

Be it known, that on this fourth day of November, 1852, upon the trial of the above case, the defendant offered as a witness, François

Cousin; as a witness on the part of Defendant; and the said François Cousin being one of the antecedent vendors of the Defendant, the said Tèrence Cousin now comes into Court, and hereby grants a full acquittance and discharge from all the liabilities created in his favor by law, and as his vendor in act of sale from François Cousin to Louis Donet, dated 5th Nov'er, 1827.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Release of T. Cousin, filed 4th Nov'er, 1852.

W. B. HOSMER,
Cl'k.

(*Petition of F. Cousin, annexed to Document W. See page* 64.)

(Copy.)

To the Honorable the Land Commissioners of the United States Land Office at St. Helena, C. H. Louisiana.

The petition of François Cousin, Respectfully shews: That your petitioner is a claimant of a certain tract of land lying on the West Bayou Lacomb, in the Parish of St. Tammany, containing about five thousand arpens. That said land was granted to your petitioner by the British Government, when fully exercising the rights of sovereignty over the soil, on which said land is located; and that subsequently to the treaty of 1783, and when Spain was the rightful owner of the Territory of Florida, that government, by its proper officers, recognized and confirmed to your petitioner the title to said land. That your petitioner in conformity to the provisions of the Act of Congress A. D. 1812, duly enregistered with the Land Commissioners aforesaid, the evidence of title to the said grant, a tract of land which was enregistered in the record Book of the Land Office marked E., which will appear by the affidavit of Joseph Laurent, hereunto annexed and prayed to be made part of this petition. And your petitioner further shews, that he has petitioned to Congress for relief, praying that an act of confirmation to said tract of land may be passed for petitioner's benefit, confirming to him the titles to the aforesaid tract of land. Your petitioner, therefore, in consideration of the premises, and in virtue of his claim and possession of forty years of said tract of land, makes this his opposition to the sale of the same, and that he, in virtue of his rights, will never abandon his claim, if the same be sold, until forced by a verdict of a jury of his country.

(Signed) FR. COUSIN.
By M. G. PENN,
His Agent.

U. S. LAND OFFICE, Greensburg, La.

I, Amos Kent, Register, certify that the foregoing is a true copy of a document on file in this office, and marked with letters and numbers to correspond with claim No. 21, of Jas. O. Cosby's Report of anomalous claims. In faith whereof I have hereunto signed my name officially this 6th day of October, 1851.

(Signed) AMOS KENT,
Register.

(*Affidavit of Laurent, Annexed to the Above.*)

(Copy.)

STATE OF LOUISIANA, Parish of St. Tammany.

Personally came and appeared before me, Thomas J. Mortee, the undersigned Justice of the Peace, in and for the Parish and State aforesaid, Joseph Laurent, and after being duly sworn according to law, makes oath that some time about the year A. D. 1820 or 1821, he accompanied Fran's Cousin to the Land office, which was at that time located at Baton Rouge, and during the period of Messrs. Cosby and Skipwith, continuance in the Land office: That this affiant heard Mr. Cousin ask Mr. Cosby if his land title were complete, Cosby replied it was, and then opened a large record book and laid it on the table, and further observed to Cousin, that his Spanish to the tract of land lying on West Bayou Lacombe was duly enregistered in that Book, and the same reported to Congress for confirmation. Further affiant sayeth not.

(Signed) JOSEPH LAURENT.

Sworn and subscribed to before me, this 10th day of Oct'er, A. D. 1830.

(Signed,) THOS. J. MORTEE,
J. P.

U. S. LAND OFFICE, Greensburg, La.

I, Amos Kent, Register, certify that the above is a true copy of Document annexed to protest of François Cousin. In faith whereof, I have hereunto signed my name officially, this 6th day of October, 1851.

(Signed) AMOS KENT,
Register.

(*Endorsed.*)

(Copy.)

Protest of François Cousin, and affidavit of Jos. Laurent.

E. Blanc *vs.* T Cousin.

Filed, 5th Nov'er, A. D. 1852.

W. B. HOSMER,
Cl'k.

(*Answer to Oyer.*)

Evariste Blanc *vs.* Térence Cousin.

In obedience to the order of this Court directing the defendant to file certain titles, the Defendant now produces and files seven papers, being all that are in his possession.

(Signed) JONES & CHILDRESS,
Att'ys for T. Cousin.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Title papers filed in compliance with order of Court. Answer to Rule.

Filed 1st November, 1852.

W. B. HOSMER,
Cl'k.

(*N. B. Translation No.* 13. *Vide page* 134.)

(*Document Marked X.*)

UNITED STATES LAND OFFICE at New Orleans, La.

Extract from the Register of the first Decrees of Concessions of 1785 or 1795, being No. 8.

A D'n Evariste Blanc hijo, veinte arpanes de tierra de frente con quaranta de fondo, situados del otro lado del Lago sobre el Estro de la Sibertad, lindando de un lado con la tierra del padre del interesado y del otro con la de Fran'co Dubuisson.

I hereby certify the foregoing to be a true copy from the original extant in the archives of this office.

ROSEMOND DE ARMAS,
Reg'r.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin. Marked X.

Filed 1st Nov'er, 1852.

B. W. HOSMER.
Cl'k.

(*N. B. Translation No.* 14. *Vide page* 134.)

LAND OFFICE, EASTERN DISTRICT OF LOUISIANA,
Register's Office, New Orleans.

I, Hilary B, Cenas, Register of the Land office at New Orleans, do hereby certify that among the Spanish Records now in my possession, and forming part of the records of this office, there is a Book entitled

"Registro de los primeros Decretos de concessiones de tierra," No. 2, which said book exhibits at page 50, the following entry, to wit:

"21 DE DECIEMBRE, DE 1789.

A D'n Jph. Maria de la Barba, Guarda Almacen Provincial de Artilleria de esta Prov'a 25 arp's de tierra de frente con 50 de fondo, situados del otro lado del Sago Pontchartrain en el Bayou llamado vulgarm'te *Bayou de la Libertad*, lindando de un lado, a las tierras de Wm. Dubuisson, y del otro al Dominio de S. Ma."

In faith whereof, I hereunto subscribe my name, this 28th day of January, 1834.

HILARY B. CENAS,
Register.

(*Endorsed.*)

21st Dec'er, 1787. Decree in favor of D'n Jph. Maria de la Barba. Filed 1st Nov'er, 1852.

W. B. HOSMER.
Clerk.

(*N. B. Translation No.* 15. *Vide page* 134.)

LAND OFFICE, EASTERN DISTRICT OF LOUISIANA,
Register's Office, New Orleans.

I, Hilary B. Cenas, Register of the Land office at New Orleans, do hereby certify, that among the Spanish records now in my possession, and forming part of the archives of this office, there is a Book entitled "Registro de los primeros decretos de concessiones de tierra, No. 4," which said Book exhibits at page 24, the following Entry, to wit:

"29 DE OCTOBRE, 1790.

"A D'n Louis Ant'o Blanc, veinte arpanes de tierra de frente con la profundidad ordinaria de quaranta, situados al otro lado del Lago, en el parage, vulgaramente llamado Bayou de Libertad, lindado de un lado con Fran'co Dubuisson y del otro al Dominio of S. M."

In faith whereof, I hereunto subscribe my name this 28th of January, 1834.

HILARY B. CENAS,
Register.

(*Endorsed.*)

29th Oct. 1790. Decree in favor of D'n L. Ant. Blanc. Filed Nov. 3d, 1835.

E. P. ELLIS,
Dy. Clerk.

Marked X. N. B. Judge.
Filed 1st Nov'er, 1852.

W. B. HOSMER,
Cl'k.

N. B. Translation No. 16. *Vide page* 135.

To James O. Cosby, Esq're, Land Commissioner for the District West of Pearl River.

SIR :—Take notice that I claim 20 arpents front, with the usual depth of forty arpents of land, lying on Bayou Liberty, on the North-Western side, on the 7th June, 1787, to Mr. Beltran from him transferred to Mr. Le Blanc's son, and from him to claimant. Said land has never been surveyed. Said land was settled immediately after the order of survey in the year 1787, and has been inhabited ever since.

FRANÇOIS COUSIN,

Parish of St. Tammany, 13th July, 1813.

I, John M. Gurley, Register of the Land office for the Eastern District of the Territory of Orleans, do certify that upon the records now in my possession, of the warrants of survey issued by the Spanish Government within the late province of Louisiana, there is one registered in the following terms, viz :

"Veinte y nueve de Octobre de mil setecientos y noventa. A D'n Louis Antonio Le Blanc, veinte arpanes de tierra de frente con la profundidad ordinario de quaranta situados del otro lad del lago en el parage vulgaramente llamado Bayou de la Libertad, lindado de un lado con Fran'co Dubuisson y del otro el Dominio de ore Majestad.

Given under my hand at the City of New Orleans, the 30th of Sept., 1807. In behalf of the Register.

F. HAREN,
Translator of the B'd Com'rs.

Ie déclare par le présent écrit avoir vendu à Monsieur François Cousin habitant du Bayou Lacombe, toutes les terres qui peuvent m'appartenir à moi ou à mon fils, Evariste Le Blanc duquel le dit sieur Cousin peut disposer de ce moment comme lui appartenant et en faire ce qu'il jugera à propos.

LOUIS BLANC.

Du Bayou St. Jean le 24 Mars, 1806.

Notice.—J'ai remis au dit Sieur Cousin tous les titres qui était à mon pouvoir concernant les dites terres.

Señor Gubernador Gral. D'n Andres Beltran Viceno de esta prov'a a V. S. con la mayor vennacion expone, que habiendo establicedo a stro lado del laggo sobre el Esterio la Libertad a la derecha, subiendo, sobre una terrence que no le es sufficiente paras sus grandos de sacrese le concedierè V. S. veinte arpanes de frente en el mismo parage lindando per un lado les *Pargar* y per otro al dominio, por tanto a V. S. suficio se sirva concedere utro viente arpanes en el parage menciado gracia que espera reciber de la noteria bondad d V. S. nueva Orleans 7te de Junio de 1787.

El Agrimensor General de esta provincia establicera esta parte sobre los veintes arpanes de frente con la profundad ordinario de quaranta en el parage que solicita estando vacantes y no causando perjuicios con las expressas condiciones de hacer los caminos y desmontes necessarios an et termino de un año de que dar mucla esta concession se al expirar el preciso espacio de tres años la terra no se Lablure establecido yar no poder emayonar en los mismos naro cuyo indispensable super este extendera las dilgencias de apeo que me remitero para provar al interesado del correspondente titulo en forma.

P. ESTEVAN,
Miro.

Je soussigné déclare avoir bien et dûment cédé comme je céde par la présente à Mr. Evariste Le Blanc la concession de terre qui m á été faite par Monsieur le Gouverneur Général conformément au memorial ci-dessus, que j'ai remis au dit sieur pour lui servir de titre de la présente concession où besoin sera.

E. REYNEQUE, témoin,
Z'TE CHALON, témoin.

Du Bayou St. Jean le 17 Janvier, 1787.

Je déclare par le présent écrit avoir vendu à Monsieur François Cousin, habitant du Bayou Lacomb, la terre expliquée ci dessus, que le dit sieur m'a payé comptant en la somme de cent piastres.

(Signed) LOUIS BLANC.

Du Bayou St. Jean 24 Mars, 1806.

U. S. LAND OFFICE, Greensburg, La.

I, Amos Kent, Register, certify that the foregoing is a true copy of a document on file in this office, marked and numbered to correspond with claim No. 21, of Jas. O. Cosby; Report of anomalous claims.

In faith whereof, I have signed my name officially this 6th day of Oct. 1851.

AMOS KENT,
Register.

(*Proces-Verbal. Survey by Gillespie.*)

Proces-verbal of survey of lands belonging to E. Blanc and T. Cousin, in the Parish of St. Tammany.

THE STATE OF LOUISIANA, Parish of Jefferson.

By virtue of an order from the Hon'ble the Eighth Judicial District Court of the Parish of St. Tammany, of date 10th June, 1852. I proceeded with John A. Philips and Simon Betancourt as chainmen, (and after giving written notice to the parties interested in the lands to be surveyed,) on the 20th September, 1852, to survey the claim of land held under Don Gabriel Dubertrand now owned by E. Blanc.

Commencing at the junction of the Bayous Pacquet and Liberty, at a cypress post represented on a plan accompanying this process-verbal by the letter B; thence by the traverse of the right bank of the Bayou Liberty to the point L; 40 arpents in a right line from the place of beginning, set a post against the west side of an old brick kiln on the margin of the Bayou; thence N 17° 13″ W (by true meridian which corresponds to the course N 25° W run by C. Trudeau on the magnetic meridian) 320 perches to A set no mark; thence N 64½ West 80.71 chains to a point N on Bayou Pacquet; thence down the left bank of Bayou Pacquet S 20° E 1490 chains to point G, a light wood post, on the east bank of the Bayou in the side of the road from Mandeville, near the Bridge across Bayou Pacquet; thence S 36° W 1.86 chain to point O, a light wood post in the Bayou Pacquet, below the bridge; thence southwardly along the left bank of the Bayou Pacquet to the point B, the place of beginning, and including 1239.97 superficial arpents.

Sept. 21. Commenced the survey of the land entered by Alpuente at the point C already described; thence N 40° E 21.74 chains to D, a light wood post in the edge of cleared land; thence S 50° E 7.70 to the upper interior corner of the Cousin claim; thence on Cousin's line same course 13.14 to E, making from D to E 20.84 chains; thence N 28 E 29 chains to F set no post; thence N 62° W 12.88 to Cousin's line, 16 chains to G; thence West 95 chains to H set a post; thence S 61° E 75 chains to C, the place of beginning, and including 222.90 superficial acres.

Sept. 22. Proceeded to survey the claims of F. Cousin's and such other lands as conflicted with the above surveys, commencing at M a post in the marsh on the margin of the Boyou Liberty, within the claim surveyed on the 20th as above described; thence N 10 West 47.46 chains to a pine post in the open woods marked P on the plan referred to; thence N 37° 30′ W 106.35 chains to post C before described; thence S 36 W 186 chains to post O before described; then N 61 W 21.24 to U where I set a post; thence N 21° 45′ E 53.21 chains to S set a post; thence S 62 E (at 27.18 chains intersected township line 53.65 West of the corners of Townships 8 and 9, ranges 13 and 14) 39.04 to post I in cleared land; thence S 27° 30′ W 31.59 chains to post J marked IOX on the line DE; thence S 50° E 160.50 to Bayou Liberty at post K; thence Southwardly by the meanders of the right bank of Bayou Liberty, passing post L to post M, the place of beginning, and containing 842.68 superficial acres.

All of which is more fully shown by a plan from my hand at the Parish of Jefferson, on this 9th day of October, 1852.

THEODORE GILLESPIE.

Surveyor Fees 5 62–100 miles Traverse, a 25c per arpent,		$38 67
11 30–100 " right lines a $4		44 52
Chainmen,		6 00
Mileage going and coming 60 miles, a 12½c		7 50
Corners		2 00
Plan of Survey,		10 00
		$113 69

I approve the foregoing bill amounting $113 69 dollars on the part of E. Blanc.

ALFRED HENNEN.
Att'y for Pl'tff.

(*Surveyor's Bill, annexed.*)

Survey in the case of E. Blanc *vs.* T. Cousin.

Fees. 154 7–10 arpents of Traverse a 25c.		$38 67
2 Corner Posts, a $1		2 00
2 Chainmen 3 days, a $1 each.		6 00
11 13–100 miles right lines, a $4 each,		44 52
Plat of F. Cousin's Claim,	$5 00	
Additional Plat of Alpuente's Claim,	5 00	
Additional plat of Girod's Claim,	5 00	15 00
		$106 19
Mileage from Parish of Jefferson to Bayou Liberty and back, 60 miles at 12½ c. per mile,		7 50
		$113 69

I certify the above to be made out in accordance with fee bill approved March 18th, 1818.

THEODORE GILLESPIE,
Surveyor.

Approved for E. Blanc.

ALFRED HENNEN,
Att'y.

Covington, 6 Nov., 1852.

JONES & CHILDRESS.
Att'ys for Def't.

Approved Nov. 6, 1852.

NICHOLAS BAYLIES,
Judge of 8th Judicial District Court.

(*Endorsed.*)

E. Blanc, *vs.* T. Cousin. } No. —. 8th Judicial District Court.

Proces-Verbal of Survey by Theodore Gillespie. Filed 1st Nov., 1852.

W. B. HOSMER,
Clerk.

(*Defdt's Bill of Exceptions No.* 1 *and Motion to amend.*)

E. Blanc *vs.* T. Cousin.

Be it remembered that the defendant T. Cousin, after the jury empanelled, asked to amend his answer by filing the annexed prayer for damages for additional trespass, committed since filing his answer, the filing of which was objected to by plaintiff's counsel and sustained by the Court, on the ground that the application came too late. To the opinion of the Court in refusing the amendment, the counsel excepts and tenders this bill of Exceptions. Nov. 4, 1852.

NICHOLAS BAYLIES,
Judge of 8th Jud'l District.

(*Annexed to above.*)

E. Blanc, *vs.* T. Cousin.

Defendant and plaintiff in reconvention ask to amend by alleging that since filing their answer, the plaintiff E. Blanc has continued to trespass by cutting timber to the damage of this appearer, five hundred dollars, which he prays he may recover.

JONES & CHILDRESS,
Att'ys for Respondent.

(*Endorsed.*)

Blanc *vs.* Cousin.

Defendant's bill of Exception No. 1. and motion to amend answer plea of reconvention.
Filed Nov. 4th, 1852.

W. B. HOSMER,
Cl'k.

(*Defendant's Bill of Exception on A. Penn's Evidence.*)

E. Blanc *vs.* T. Cousin.

Be it remembered, that on the trial of this case, Abraham Penn, a witness on the part of Defendant, being sworn stated "that since

the Survey of defendant's land by Vanzandt, witness has traced the line for one-fourth of a mile beyond the bridge at Bayou Pacquet Northerly, and that he found the line, and from his knowledge of Whiting's manner of marking and from the appearance of the marks, he fully believes that that line was run by Whiting in the year 1826, in the same place it has been run by Vanzandt." Whereupon the Counsel for Pltff. asked the Counsel for Defdt., what was the object of the testimony, who replied that the object was to prove that Whiting had in 1826 run out Defendant's land in the same manner that Vanzandt had since run it. Upon which counsel for Pltff. objected to the testimony being taken down, upon the ground that it would go to discredit the old Township map, which had been made from Whiting's return. Which objection was sustained by the Court and the testimony refused. To which opinion of the Court in refusing the testimony, the Counsel for defendant excepts and tenders this bill of Exception for the signature of the Judge.

NICHOLAS BAYLIES,
Judge of the 8th Jud'l District.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin.

Bill of Exception of Deft. Filed 8th Nov., 1852.

W. B. HOSMER,
Clk.

(*Verdict.*)

E. Blanc *vs.* T. Cousin.

This cause was called and proceeded in again this morning, the jury being called and all present; and after having heard the argument of Counsel and the law, and the case having been submitted to the Jury without a charge from the Court, by consent of attorneys for the plaintiff and defendant, retired to consider of their verdict and returned th following: We the Jury find the plaintiff is entitled to the portions of land Two hundred and twenty 80–100 acres and eighty one-hundredths of an acre, purchased of the heirs of F. Alpuente, according to the act of sale in evidence; and we find that the plaintiff is entitled to a tract of land of as marked on the plan of T. Gillespie, and designated by the letters M, P, C, without damages, and find nothing for the Defendant on the reconventional demand.

(Signed) C. B. MORRIS,
Foreman.

(*Judgment.*)

Whereupon it is ordered, adjudged and decided, that the plaintiff be quieted in his possession of the two tracts of land as stated in the

verdict of the Jury, and that the Defendant be condemned to pay the costs of the suit; And it is further ordered and adjudged that there be judgment against the defendant on his reconvention and costs of suit.

Nov. 13th, 1852.

NICHOLAS BAYLIES,
Judge of 8th Judicial District.

E. Blanc *vs.* T. Cousin.

On motion of A. Hennen, Esq. for Plaintiff and by consent of Jones & Childress for Defendant; It is agreed that there will be no exception taken on the ground of the Verdict of the Jury not being written on the back of the petition.

(*Motion for New Trial.*)

E. Blanc *vs.* T. Cousin.

On motion of Jones & Childress for Defendant; It is ordered that they have leave to file this motion for a new trial for a hearing, which was done accordingly.

Blanc *vs.* Cousin.

The defendant T. Cousin now moves the Court for a new trial on the ground that the verdict of the Jury is contrary to law and evidence.

JONES & CHILDRESS,
Attys. for Defendant.

(*Endorsed.*)

Blanc *vs.* Cousin.

Motion for new trial. Filed 6th Nov., 1852.

W. B. HOSMER,
Clerk.

(*New Trial refused.*)

E. Blanc *vs.* T. Cousin.

The motion filed in this case for a new trial was taken up and submitted without argument. Whereupon the Court overruled said motion and new trial refused.

(*Motion for Appeal.*)

E. Blanc *vs.* T. Cousin.

The defendant T. Cousin by his Counsel alledging that the judgment herein is erroneous, moves that an appeal may be granted to stay execution to the Supreme Court of the State of Louisiana for

the Eastern District, sitting in New Orleans, returnable the fourth Monday of February next, 1853, upon his giving bond and security in such sum as this Honorable Court shall direct.

JONES & CHILDRESS,
Attys. for defendant.

(*Endorsed.*)

Blanc *vs.* Cousin.

Motion for Appeal. Filed 11th November, 1852.

W. B. HOSMER,
Clk.

(*Order granting Appeal.*)

E. Blanc *vs.* T. Cousin.

On motion of Jones and Penn, Attorneys for Defendant, on suggesting that said defendant feels himself aggrieved by the judgment herein rendered:

It is ordered, that a suspensive appeal be allowed to said defendant Térence Cousin, on his furnishing Bond in the sum of one thousand dollars, with good and solvent security, according to law, said appeal being returnable to the Supreme Court of the State of Louisiana for the Eastern District, on the fourth Monday of February 1853.

(*Appeal Bond.*)

State of Louisiana, Parish of St. Tammany. Eighth Judicial District Court.

Know all men by these presents, that we, Térence Cousin, as principal, and M. G. Penn and Jesse R. Jones as security, acknowledge ourselves to be jointing and severally indebted unto Évariste Blanc, in the sum of one thousand dollars, which payment well and truly to be made unto the said Blanc, his Executors, Administrators, or Assigns, we bind ourselves, our heirs and assigns firmly by these presents dated this 11th day of November, A. D. 1852.

The condition of the above obligation is such that whereas the said Térence Cousin has sued out of this Honorable Court an appeal to the Supreme Court of the State of Louisiana, for the Eastern District from a final judgment rendered in the case of E. Blanc vs. Térence Cousin, and No. 247 on the Original Docket of this Court, which said Appeal is made returnable on the fourth Monday of February 1853.

Now, if the said bound Térence Cousin shall prosecute his said Appeal with effect, and satisfy whatever judgment may be rendered, then this obligation to be null and void, or else remain in full force and virtue in law, day and date above written.

Witness,
W. H. KIRKLAND,
GEO. MARTIN.

(Signed) T. COUSIN,
M. G. PENN,
JESSE R. JONES.

(*Endorsed.*)

E. BLANC vs. TÉRENCE COUSIN. } No. 247. 8th Judicial District Court St. Tammany. Appeal Bond. Filed 13th November, 1852.

(Signed) W. B. HOSMER.
Clerk.

(For Map D. see original page 77.)
(For Map L. see original page 78.)
(For Map H. see original page 79.)
(For Map filed by Plaintiff, see original page 80.)

Township 9. R. 13. E.

(For map marked D., see original page 77.)

Table of Contents.

No. of Section.	Contents in Acres.	No. of Section.	Contents in Acres.	Claimants' Names.	No. of Section.	No. of Cert.	Contents in Acres.
2	222,80	15	586,68				
3	552,00	16	600,80	Isidore Galatas.	1	B 107	37,50
4	601,04	17	476,16	Térence Cousin.	11	B 465	179,85
5	88,23	18	402,63	T. & Alo. Cousin.	12	B 473	1107,07
6	161,50	19	92,15	Nicolas Ducrés.	26	B 213	774,71
7	129,30	20	110,21	J. Carriere.	27	B 400	104,50
8	322,00	21	154,80	Joseph Milon.	28	B ——	1039,99
9	601,84	22	356,75	Ve. François Alpuente.	29	B 474	970,27
10	206,00	23	227,60	E. Blanc.	30	B ——	736,00
13	332,90	24	572,41	Heretis de Louis Donnet.	31	B 178	397,85
14	515,00	25	385,60	Joseph Laurent.	32	B 471	31,10
		26	45,00				

The Township and sectional lines were surveyed by Clinch Gray, Deputy Surveyor in 1821, and the private claims by John Whitten, Jr., Deputy Surveyor in 1826.

(Signed) JAS. P. TURNER,
Principal Deputy Surveyor.

April 15th, 1828.

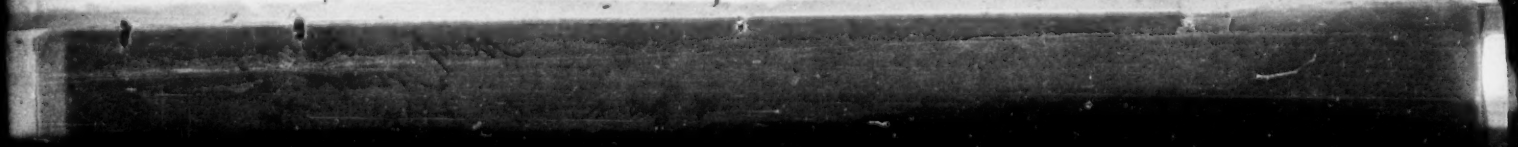
(*Copy.*)

LAND OFFICE, Greensburg, La.

I hereby certify that the above is a true copy of the map of Township No. nine South Range, No. thirteen East, on file in this office.

Given under my hand officially this 6th July, 1843.

(Signed) RICHMOND DENNIS,
Register.



(*Endorsed.*)

8th Dist. Court, Parish St. Tammany. Plan Township. E. Blanc, vs. T. Cousin. Marked D.
Filed 3rd November, 1852.

(Signed) W. B. HOSMER,
Clerk.

T. 9. R. 13. E.—Land District East of the Island of New Orleans, and West of Pearl River.

(For plat marked L., see original page 78.)

Table of Contents.

No. of Section.	Contents in Acres.	No. of Section.	Contents in Acres.	Claimants' Names.	No. of Section.	No. of Cert.	Contents in Acres.
2	222,80	15	585,68				
3	552,00	16	640,80	Madame Judiss.	1	B 107	37,50
4	641,04	17	476,16	Térence Cousin.	11	B 465	179,85
5	88,23	18	402,43	Leon Milon.	12	B 473	1107,07
6	161,50	19	92,15	Nicolas de Cros.	26	B 213	774,71
7	129,30	20	110,21	Jareques Carriere.	27	B 460	104,50
8	332,00	21	150,80	Joseph Milon.	28	B	1039,99
9	641,84	22	356,75	Zeno Milon.	29	B 474	970,27
10	206,00	23	227,60	Jarod.	30	B	736,00
13	332,00	24	572,41	Francis Cousin.	31	B 178	397,85
14	515,00	25	585,60	Joseph Lawrence.	32	B 471	31,10
		36	45,00				

The Townships and sectional lines were surveyed by Clinch Gray, Deputy Surveyor in 1821, and the private claims by John Whitten, Jr., Deputy Surveyor in 1826.

(Signed) JAS. P. TURNER,
Principal Deputy Surveyor.

April 15th, 1828.

(*Certificate.*)

LAND OFFICE, Greensburg, Louisiana.

I certify that the within is a true copy of the map of Township No. nine, South, Range No. thirteen East, on file in this office.
Given under my hand officially, this July 6th, 1843.

(Signed) RICHMOND DAVIS,
Register.

(*Endorsed.*)

E. Blanc, vs. T. Cousin. Marked L.

Filed 4th Nov. 1852.

(Signed) WM. B. HOSMER,
Clk.

A true and exact copy of a plan annexed to an act passed before Charles Boudousquie, then a Notary in New Orleans, on the 27th day of December, 1843, purporting to be "sale of landed property by the heirs of late François Alpuente to Widow François Alpuente."

(Signed) CHS. D. ARMOS,
Arch'd.

New Orleans, October 9th, 1851.

I do hereby certify that the foregoing is a true and exact copy of a plan annexed for reference to an act passed before Charles Boudousquie, Esq., then Notary in New Orleans, on the twenty-seventh day of December, eighteen hundred and forty-three, purporting to be "sale of landed property by the heirs of the late François Alpuente, to Mrs. Widow François Alpuente, reference to which plan is made in an act passed before the same Notary, on the 4th March, 1844, being a sale of property by Mrs. Alpuente, to Evariste Blanc.

In faith whereof, I have hereunto subscribed my name, and affixed my seal of office at New Orleans, this ninth day of October, eighteen hundred and fifty-one. The above interlineation is approved.

(Signed) AD. BOUDOUSQUIE,
Not. Pub.

T. 9. R. 13. E.—Land District of the Island of New Orleans, and West of Pearl River.

(For plat marked H., see original page 79.)

Table of Contents.

No. of Section.	Contents in Acres.	No. of Section.	Contents in Acres.
2	222,80	15	585,68
3	552,00	16	640,80
4	641,04	17	476,16
5	88,23	18	402,43
6	161,50	19	92,15
7	129,30	20	110,21
8	372,00	21	154,80
9	641,84	22	356,75
10	206,00	23	227,60
13	332,90	24	572,41
14	515,00	25	385,60
		36	45,00

Claimants' Names.	No. of Section.	No. of Cert.	Contents in Acres.
Madam Judiss.	1	B 107	37,50
Térence Cousan.	11	B 465	179,85
Leon Milon.	12	B 473	1107,07
Nicolas de Cross.	26	B 203	774,71
Jacques Carriere.	27	B 460	104,50
Joseph Milon.	28	B	1039,99
Zeno Milon.	29	B 474	976,27
Jarod.	30	B	736,00
Francis Cousan.	31	B 178	397,85
Joseph Lawrence.	32	B 471	31,10

The Township and sectional lines were surveyed by Clinch Gray, Deputy Surveyor in 1821, and the private claims by John Whitten, Jr., Deputy Surveyor in 1826.

(Signed) JAS. P. TURNER,
Principal Deputy Surveyor.

April 15th, 1828.

U. S. LAND OFFICE, Greensburg, La., Oct. 7, 1851.

I certify that the above is a true copy of old map of T. 9. R. 13. E. on file in this office.

(Signed) AMOS KENT,
Reg'r.

Endorsed (H) Township, 1826.

(*Endorsement.*)

Copied in the Transcript at the request of plaintiff's Attorney, but not on file; only found among the papers in the suit of E. Blanc, vs. T. Cousin, No. 247. August 26th, 1853.

[L. S.] (Signed) WM. B. HOSMER,
Cl'k.

T. 9. R. 13. E. Greensburg Dist. La.

(For plat, see original page 80.)

TABLE OF CONTENTS.

Sect.	Area.	Sect.	Area.	Sect.	Area.	Sect.	Area.
2	174,30	8	402,37	16	630,30	22	214,46
3	583,54	9	640,50	17	625,80	23	419,06
4	640,00	10	243,90	18	595,36	24	639,93
5	415,92	13	272,30	19	287,26	25	650,78
6	78,95	14	367,60	20	208,10	26	76,60
7	10,68	15	461,50	21	29,64	36	87,00
	1903,39		2387,67		2376,46		2087,83
							2376,46
							3387,67
							1903,39
	Area Public Land,						8755,35

PRIVATE CLAIMS.

Name.	Report.	Cert.	Sec.	Area.
V. Judiss.	Cosby, B No. 224	107	37	60,00
E. Dubuisson.	" " " 227	465	38	216,30
Francis Cousin.		178	39	562,70
Leon Melon.	Cosby, B No. 239	473	40	1017,40
Zed Melon.	" " " 229	474	41	1010,62
Jas. Laurent.	C. & S. B No. 2, No. 8	471	43	110,00
Jos. Laurent.	" " 9	470	44	78,44
N. Ducra.	Cosby, B No. 231	203	45	473,90
Jacques Carriere.	C. & S. No. 17	466	46	156,00
James Milon.	Cosby, B No. 244		47	981,00
Jarod or Girod.			42	603,79
Total Area of Claims,				5270,12
Pub. Land,				8755,35
Township,				14025,47

The true variation of the needle is 7 deg. 45 min. East.

The west boundary was re-surveyed at a variation of 7 deg. 40 min. E., and the balance of the Township at a variation of 7 deg. 15 min. E., in order to retrace the old lines. The north and west boundary, and part of the east boundary, and part of section lines, were surveyed in the year 1820, by Clinch Gray, Dept. Surveyor, and were paid for in the 4th qr. of 1820, and 3d qr. of 1821. The claims were surveyed by John Whitten, Jr., and also the traverse of Lake Pontchartrain and Bayou Bonfouca by the same surveyor, and were paid for in the 3d qr. of 1828. The whole of the Township was re-surveyed in 2d qr. of 1845, and 2d and 3d qrs. of 1846, by Geo. C. Vanzandt, Dept. Surveyor, under contract of the first of May, 1845.

Filed September 5, 1849.

(Signed) FR. WEBB,
Reg.

SURVEYOR GENERAL'S OFFICE,
Donaldsonsville, La., 22 Dec. 1846,

The above Township map has been examined and compared with the approved field notes thereof, now on file in this office, found correct, and is hereby approved.

(Signed) P. T. LANDRY,
Sur. Genl. La.

U. S. LAND OFFICE, Greensburg, La.

I certify the above is a true copy of map of re-survey of T. 9. S. R. 13. E. on file in this office.

Oct. 7th, 1851.

(Signed) AMOS KENT,
Register.

(*Endorsement.*)

Copied in the Transcript at the request of plaintiff's Attorney, but not of file; only found among the papers in the suit of E. Blanc, vs. T. Cousin, No. 247. August 26th, 1853.

[L. S.] (Signed) WM. B. HOSMER,
Clerk.

(*Petition of Appeal.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN. } To the Honorable the Judge of the Eighth Judicial District Court. State of Louisiana, Parish of St. Tammany.

The petition of Térence Cousin, residing in the Parish of St. Tammany, respectfully represents, that at the last November term of this Honorable Court, he obtained a suspensive appeal to the Supreme Court, from the judgment in the above mentioned cause, which appeal was returned according to law on the fourth Monday of February A. D. 1853; and on the second day of March following, said appeal was dismissed on motion of Counsel for appellee, in consequence of the Appeal Bond having been made payable to E. Blanc only, and not to him and the parties called in warranty. Wherefore your petition being aggrieved by the judgment rendered in said Eighth Judicial District Court, prays for an order granting a devolative appeal, to be made returnable to the Supreme Court for the Eastern District of Louisiana, the fourth Monday of February A. D. 1854, upon Petitioner's giving bond in such sum as may be fixed by the Court, and that the plaintiff Evariste Blanc, and all the parties called in warranty, may be cited according to law, to answer said appeal, and Petitioner prays for general relief.

JONES & CHILDRESS,
Atty's for Pet'er.

(*In French.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN. } A l'honorable le Juge de la Cour du huitiéme District Judiciaire. Etat de la Louisiane, Pariosse de St. Tammany.

La pétition de Térence Cousin, demeurant en Paroisse St. Tammany, représeñte respectueusement; qú à la dernierè session de Novembre de cette honorable Cour, il obtint un appel suspensif, à la Cour Supréme, du jugement rendu dans la susdite cause, et que cet appel fat renvoyé selon la loi, au quatrième Lundi de Février A. D. 1853, et le deux Mars suivant le susdit appel fât mis hors du Cour sur la motion de l'avocat de l'intimé, parce que le cautionnement fut fourni à Evariste Blanc seul, et non à lui et à ses garants; votre demandeur ayant été lésé par le Jugement rendu par le dite Court du huitiéme District demande un appel non suspensif, et que cet appel soit renvoyé à la Cour Supréme le quatrième Lundi de Fevrier A. D 1854,

(pourvu que votre demandeur donne le cautionnement que soit fixé par le Cour) et que le demandeur Evariste Blanc et tous les parties appelés en grantie soit cités selon la loi à répondre à cet appel et pour tout aide que la loi lui accorde.

JONES & CHILDRESS,
Avocats pour Cousin.

(*Order of Appeal.*)

Let the appeal be granted as prayed for on Petitioner's giving bond and security according to law, in the sum of one hundred dollars, and let it be made returnable to the next term of the Supreme Court, and let the parties be cited.

March 12th A. D. 1853.

(Signed) NICHOLAS BAYLIÉS,
Judge of 8th Judicial District of the State of Louisiana.

(*Endorsed.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN. } No. —— Eighth Dist. Court. Parish of St. Tammany. Petition for Appeal. Filed 2d April, 1853.

JONES & CHILDRESS,
Atty's for Cousin.
W. B. HOSMER,
Clerk.

(*Appeal Bond.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN. } No. 247. Eighth District Court, State of Louisiana, Parish of St. Tammany.

Know all men by these presents, that I, Térence Cousin as principal, and I, Jesse R. Jones as security, both residing in the Parish of St. Tammany, State aforesaid, are held and firmly bound unto Evariste Blanc, the Pl'ff in the above entitled suit, and unto Francis R. Alpuente and others, heirs of Francis Alpuentes and his widow, decased, and unto Joseph Soniat Dufossat, and Basile Beauregard and Charles F. Daunoy and others, warrantors cited in the above suit, all residing in the Parish of Orleans, in the just and full sum of one hundred dollars, well and truly to be paid to them or their heirs, executors or assigns, for which we bind ourselves jointly and severally, firmly by these presents, dated this seventeenth day of March, A. D. 1853. The condition of the above obligation is such, that whereas the above bound Terence Cousin has obtained an order from the Judge of the Eighth District Court of the State of Louisiana, dated the twelfth day of March, A. D. 1853, granting a devolutive appeal, from the judgment in said Court, rendered at the last November term in favor of said Evariste Blanc and others, returnable to the Supreme Court

for the Eastern District of the State of Louisiana, sitting in New Orleans, on the fourth Monday of February, A. D. 1854. Now if the said Térence Cousin shall prosecute his appeal, and shall satisfy whatever judgment shall be rendered against him, or that the same shall be satisfied by the proceeds of the sale of his estate, real or personal, if he be cast in his appeal, then the above obligation to be null, otherwise to remain in full force and virtue in law.

(Signed) T'CE COUSIN.
JESSE. R. JONES,
W. B. HOSMER,
Clerk

(*Endorsed.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN. } No. 247. Eighth District Court, Parish of St. Tammany, State of Louisiana. Bond for Devolutive Appeal. Filed 2d April, 1853.

(Signed) W. B. HOSMER,
Clerk.

(*Citation to E. Blanc.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN.

The State of Louisiana, 8th Judicial District Court, Parish of St. Tammany, to Evariste Blanc of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the city of New Orleans on the fourth Monday of February next 1854, to answer to the petition of appeal, from a certain final judgment rendered in the 8th Judicial District Court of the State of Louisiana at its November session 1852, in and for the Parish of St. Tammany, in the suit wherein Evariste Blanc was the Plaintiff and Térence Cousin was the Defendant, a copy of which petition accompanies this citation; or to file your answer thereto in writing with the Clerk of said Court according to law. If you fail herein, judgment will be rendered against you by default.

Witness, the Honorable Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D. 1853.

(Signed) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

Rec'd Parish of Orleans, June 3d, 1853, and on the same day left copies of petition and citation in English and French on E. Blanc, at domicil, Bayou Road, near the bridge, in the hands of M'me. A. Ra-

mos, f. w. c. living in the house, he being absent at the time of service. Returned June 3d, 1853.

(Signed) E. SAMPSON,
D'y. Sh'ff.

Serving petition and citation, $2.

(*Endorsed.*)

E. BLANC, *vs.* T. COUSIN. } No.—. 8th Judicial Dist. Court, Parish of St. Tammany.

Original citation of appeal for Evariste Blanc. Original citation 50. Copy do. 50. French do. 50. Copy pet. in English 75. Do. do. French 75; filing return 10.

Filed 9th August, 1853.

(Signed) W. B. HOSMER,
Clerk.

Citation to F. R. Alpuente.

EVARISTE BLANC, *vs.* TÉRENCE COUSIN. } State of Louisiana, 8th Judicial District Court, Parish of St. Tammany.

To F. R. ALPUENTE, of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the city of New Orleans, on the Fourth Monday of February next, 1854, to answer to the petition of appeal from a certain final judgment rendered in the 8th Judicial District Court of the State of Louisiana at its November session, 1852, in and for the Parish of St. Tammany in the suit wherein Evariste Blanc was the Plainiiff, and Térence Cousin was the defendant, a copy of which petition accompanies this citation or to file your answer thereto in writing with the clerk of said Court according to law; if you fail herein judgment will be rendered against you by default.

Witness the Hon. Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D. 1853.

(Signed) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

Rec'd Parish of Orleans, June 3d, 1853, and an 4th of same month left copy of petition and citation of appeal in English and French on F. R. Alpuente at domicil, No. 251 Burgundy St. in the hands of

847

Mrs. Clementine Hepburn, wife of James Strawbridge a free person over 14 years of age living in the house, he being absent at the time service. Returned June 4th, 1853.

(Signed) E. SAMPSON,
D'y Sh'ff.

Serving petition and citation $2.

(*Endorsed.*)

E. BLANC, *vs.* T. COUSIN. } No. —. 8th Judicial District Court. Parish St. Tammany. Louisiana.

Original citation of Appeal for F. R. Alpuente; original citation 50; copy do. 50; do. French 50; do. pet. English 75; do. French 75; filing return 10.

Filed 9th August, 1853.

(Signed) W. B. HOSMER,
Cl'k.

(*Citation to Charles F. Daunoy.*)

E. BLANC *vs.* T. COUSIN. } State of Louisiana, 8th Jud'l Dist. Court, Parish of St. Tammany.

To CHARLES F. DAUNOY, of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the city of New Orleans, on the Fourth Monday of February next, 1854, to answer to the petition of appeal from a certain final judgment rendered in the 8th Judicial District Court of the State of Louisiana at its November Session, 1852, in and for the Parish of St. Tammany in the suite wherein Evariste Le Blanc was the plaintiff and Térence Cousin was the defendant, a copy of which petition accompanies this citation; or to file your answer thereto in writing, with the Clerk of said Court, according to law; if you fail herein, judgment will be rendered against you by default.

Witness the Hon. Nicholas Baylies, Judge of said Court, this 27th day of May, A.D. 1853.

WM. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

Rec'd Parish of Orleans, June 3d, 1853, and on 6th of same month served copies of citation and petition of appeal in English and French on Charles F. Daunoy in person. Returned June 6th, 1853.

(Signed) E. SAMPSON,
D'y Sh'ff, Parish of Orleans.

Serving petition and citation $2.

(*Endorsed.*)

E. BLANC, vs. T. COUSIN. } No. 247. 8th Judicial District Court. Parish St. Tammany. Louisiana.

Original citation of appeal for Charles F. Daunoy. Original citation 50; copy do. 50; French 50; pet. English 75; French 75; filing return 10.

Filed 9th August, 1853.

(Signed) WM. B. HOSMER,
Clerk.

(*Citation to Catharine J. Alpuente.*)

EVARISTE BLANC, vs. TÉRENCE COUSIN. } The State of Louisiana, 8th Jud'l Dist. Court. Parish of St. Tammany.

To CATHERINE ISABELLA ALPUENTE, widow of Felix de Armas of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the city of New Orleans, the fourth Monday of February next, 1854, to answer to the petition of appeal from a certain final judgment, rendered in the 8th judicial District Court of the State of Louisiana, at its November session 1852 in and for the Parish of St. Tammany, in the suit wherein Evariste Blanc was the plaintiff and Térence Cousin was the defendant, a copy of which petition accompanies this citation, or to file your answer thereto in writing with the Clerk of said Court, according to law; if you fail herein judgment will be rendered against you by default.

Witness the Hon. Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D. 1853.

W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

Rec'd, Parish of Orleans, June 3d, 1853, and on the same day served copies of petition and citation of appeal in English and French on Catherine Isabelle Alpuente, widow of Felix de Armas, in person. Returned June 3d, 1853.

(Signed) E. SAMPSON,
D'y Sh'ff Parish of Orleans.

Serving pet. and cit., $2.

(*Endorsed.*)

E. BLANC
vs.
T. COUSIN. } No. — 8th Jud'l Dist. Court, Parish St. Tammany, La.

Original citation of appeal for Catherine Isabelle Alpuente, widow of Felix de Armas. Original citation 50, copy do 50, do French 50, pet. English 75, do French 75, filing return 10.

Filed 9th August, 1853.

W. B. HOSMER,
Clerk.

(*Citation to Mathilde Alpuente.*)

EVARISTE BLANC
vs.
TÉRENCE COUSIN. } The State of Louisiana, 8th Judicial Dist. Court, Parish of St. Tammany.

To Matilda Alpuente, wife of Rosemond de Armas, of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the City of New Orleans, on the fourth Monday of February next, 1853, to answer to the petition of appeal from a certain final judgment rendered in the 8th Judicial District Court of the State of Louisiana, at its November Session, 1852, in and for the Parish of St. Tammany, in the suit wherein Evariste Blanc was the plaintiff, and Térence Cousin was the defendant, a copy of which petition accompanies this citation, or to file your answer thereto in writing with the Clerk of said Court, according to law. If you fail herein, judgment will be rendered against you by default.

Witness, the Honorable Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D., 1853.

(Signed) WM. B. HOSMER,
Cl'k.

(*Sheriff's Return.*)

Rec'd, Parish of Orleans, June 3d, 1853, and on the same day served copies of citation in English and French, also petition in English and French, on Matilda Alpuente, wife of Rosemond de Armas, in person.

Returned June 3d, 1853.

(Signed) E. SAMPSON,
D'y. Sh'ff., Parish of Orleans.

Serving citations and pet's, $2.

(*Endorsed.*)

E. BLANC
vs.
T. COUSIN. } No. — 8th Jud'l Dist. Court, Parish of St. Tammany, La.

Original citation of appeal for Matilda Alpuente, wife of Rosemond de Armas. Original citation 50, copy do 50, do French 50, do pet. Eng. 75, do French 75, filing return 10.

Filed 9th August, 1853.

W. B. HOSMER,
Cl'k.

(*Citation for Amédée Alpuente.*)

EVARISTE BLANC
vs.
TÉRENCE COUSIN. } The State of Louisiana, 8th Judicial Dist. Court, Parish of St. Tammany.

To Amédée Alpuente of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the City of New Orleans, the fourth Monday of February next, 1854, to answer to the petition of appeal from a certain final judgment rendered in the 8th Judicial District Court of the state of Louisiana, at its November session, 1852, in and for the Parish of St. Tammany, in the suit wherein Evariste Blanc was the plaintiff, and Térence Cousin was the defendant, a copy of which petition accompanies this citation, or to file your answer thereto in writing with the Clerk of said Court according to law. If you fail herein, judgment will be rendered against you by default.

Witness, the Honorable Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D., 1853.

(Signed) W. B. HOSMER,
Cl'k.

(*Sheriff's Return.*)

Rec'd, Parish of Orleans, June 3d, 1853, and on the 7th of same month, served copies of petition and citation of appeal in French and English, on Amédée Alpuente in person.

Returned June 7, 1853.

(Signed) E. SAMPSON,
D'y Sh'ff, Parish of Orleans.

Serving pets. and cits., $2.

(*Endorsed.*)

E. BLANC
vs.
T. COUSIN. } 8th Jud'l Dist. Court, Parish of St. Tammany, La.

Original citation of appeal for Amédée Alpuente. Original citation 50, copy do 50, do French 50, do pet. Eng. 75, do French 75, filing return 10.

Filed 9th August, 1853.

(Signed) WM. B. HOSMER,
Clerk.

(*Citation for Joseph S. Dufossat.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN. } The State of Louisiana, 8th Judicial Dist. Court, Parish of St. Tammany.

To Joseph S. Dufossat of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the City of New Orleans, on the fourth Monday of February next, 1854, to answer to the petition of appeal from a certain final judgment rendered in the 8th Judicial District Court of the State of Louisiana, at its November session, 1852, in and for the Parish of St. Tammany, in the suit wherein Evariste Blanc was the plaintiff, and Térence Cousin was the defandant, a copy of which petition accompanies this citation, or to file your answer thereto in writing with the Clerk of said Court according to law; if you fail herein, judgment will be rendered against you by default.

Witness, the Honorable Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D., 1853.

(Signed) W. B. HOSMER,
Clerk.

(*Sheriff's Return.*)

Rec'd, Parish of Orleans, June 3d, 1853, and on the 8th, same month, served copies of petition and citation of appeal in French and English on Joseph S. Dufossat in person.

Returned June 8th, 1853.

(Signed) E. SAMPSON,
D'y Sh'ff, Parish of Orleans.

Serving pets. and cits., $2,00.

(*Endorsed.*)

E. BLANC *vs.* T. COUSIN. } No. 247. 8th Judicial District Court, Parish of St. Tammany, Louisiana.

Original Citation of appeal for Joseph S. Dufossat. Original Citation, 50; do. Copy, 50; do. French, 50. Copy pet. in Eng. 75; do. French, 75. Filing return 10.

Filed 9th August, 1853.

(Signed) WM. B. HOSMER,
Clerk.

(*Citation to B. Beauregard.*)

EVARISTE BLANC *vs.* TÉRENCE COUSIN. } The State of Louisiana. 8th Judicial District Court, Parish of St. Tammany.

To Basil Beauregard, acting in the quality of administrator of the goods of his minor children, of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme

Court for the Eastern District of Louisiana, holding sessions in the city of New Orleans, on the fourth Monday of February next, 1854, to answer to the petition of appeal from a certain final Judgment rendered in the 8th Judicial District Court of the State of Louisiana, at its November session, 1852, in and for the Parish of St. Tammany, in the suit wherein Evariste Blanc was the plaintiff, and Térence Cousin was the defendant, a copy of which petition accompanies this citation, or to file your answer thereto in writing with the Clerk of said Court, according to law: If you fail herein, judgment will be rendered against you by default.

Witness the Honorable Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D. 1853.

(Signed) W. B. HOSMER,
Cl'k.

(*Sheriff's Return.*)

Rec'd, Parish of New Orleans, June 3d, 1853, and on the same day served copies of petitions and citations of appeal in English and French on Basil Beauregard in person. Returned June 3rd, 1853. Parish of Orleans. Serving cits. and pets. $2.

(Signed) E. SAMPSON,
D'y Sh'ff.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin. } No. 247. 8th Judicial District Court, Parish of St. Tammany, State of Louisiana.

Original Citation of appeal for Basil Beauregard. Original Citation 50; copy do. 50; French 50; pet. Eng. 75; do. French, 75; filing return 10.

Filed 9th August, 1853.

WM. B. HOSMER,
Cl'k.

(*Citation to Coralie Alpuente.*)

Evariste Blanc *vs.* Térence Cousin. } The State of Louisiana, 8th Judicial District Court, Parish of St. Tammany.

To Coralie Alpuente, wife of J. B. Dolhonde, of the Parish of Orleans, State of Louisiana.

You are hereby summoned to be and appear before the Supreme Court for the Eastern District of Louisiana, holding sessions in the city of New Orleans, on the fourth Monday of February next, 1854, to answer to the petition of appeal from a certain final judgment

rendered in the 8th Judicial District Court for the State of Louisiana, at its November Session, 1852, in and for the Parish of St. Tammany, in the suit wherein Evariste Blance was the plaintiff, and Térence Cousin was the defendant, a copy of which petition accompanies this citation, or to file your answer thereto, in writing, with the Clerk of said Court, according to law: If you fail herein, Judgment will be rendered against you by default.

Witness, the Honorable Nicholas Baylies, Judge of our said Court, this 27th day of May, A. D. 1853.

(Signed) W. B. HOSMER.
Clerk.

(*Sheriff's Return.*)

Rec'd, Parish of Orleans, June 3d, 1853, and on 6th same month, served copies of citation and petition (in English and French) of appeal on Coralie Alpuente, wife of J. B. Dolhonde, in person. Returned June 6th, 1853. Parish of Orleans. Serving pets. and cits. $2.

(Signed) E. SAMPSON,
D'y Sh'ff.

(*Endorsed.*)

E. Blanc *vs.* T. Cousin. } No. —. 8th Judicial District Court, Parish of St. Tammany, Louisiana.

Original Citation of appeal for Coralie Alpuente, wife of J. B. Dolhode. Original Citation 50; copy do. 50; do. French 50; do. pet. Eng. 75; do. French 75. Filing return 10.

Filed 9th August, 1853.

(Signed) W. B. HOSMER,
Cl'k.

DOCUMENT No. 1.

(*Notice of Claim of F. Cousin, and Certificate of Carlos Trudeau, &c.*)

NOTA:—This document is copied in the Transcript, at the request of the Plaintiff's Attorney, but not of file; only found among papers in the suit of E. Blanc *vs.* T. Cousin, No. 247. August 26th, 1853.

(Signed) WM. B. HOSMER,
Cl'k.

(Copy.)

To James O. Cosby, Esq'r, Land Commissioner for the District West of Pearl River.

SIR:—Take notice that I claim 40 arpents front, and 120 deep. This claim is founded on a Spanish title, which was burnt in the office of C. Trudeau, as will more plainly appear by C. Trudeau's certificate. S'd land never was surveyed; claimant has inhabited and cul-

(*Endorsed.*)

Copy of evidence in support of claim No. 21, Ca.
Register's fee $2.

(For plat of Harper's Survey, see original page 91.)

(*Notes and Remarks.*)

Claim of Térence Cousin in the suit of Blanc, vs. Cousin. Beginning at stake on Bayou Pacquet, at N. E. side of the Covington Road.

No. of Division.	Bearing.	Distance.	Remarks.
No. 1	S. 36½ W.	1,84	To a post S. W. of Ba. Pacquet's Bridge.
	N. 61 W.	"	6,50, Tree marked S. 2 line bet. 1 & 2 Pt.
	"	7,00	7,00 " " S. 34 from stake to Tree 3.
	"	21.00	End of station line tree mk'ed S.39.T.9.R.13.E.
	N. 31¾ E.	"	24,50, Dry Bayou.
	"	"	33,10, Crossed line *again* bet. S. 1 & 2.
	"	"	33,70, Mr. Blanc cut and corded up the timber.
	"	58	Township line.
	"	"	14,90, Corner tree.
		52,90	
	S. 62 E.	"	G. C. Vanzandt makes the bearing of this line S. 21 W.*
	"	"	Road at next jots.*
	"	"	30,00, Station line crosses station line T. 8.
	"	"	S. 39, R. 13. E.
		38,36	
	S. 27½ W.	"	G. C. Vanzandt's.*
	"	"	18,96, to a post.
	"	"	23,67, do. do.
		31,40	Two posts marked T. 39 & 38, dividing line between Dubuisson & Cousin.
		122,80	Numbers of acres in No. 1. 161, 13, 12. (A. R. P.)
No. 2	S. 21¾ W.		Mr. Vanzandt's br'ng. (Acers in No.2, 37, 2, 06. (A. R. P.)
No. 3	S. 50 E.	"	13,00, to clearing 2,00 chains from the Covington Road.
	"	"	75,75, From corner to range line dividing Rs. 13 & 14.
	"	"	Marshy land commenced at 153 chs. 00 lks.
	"	159,00	Post found at corner of Bayou Liberty.
	"	159.00	

CONTINUATION OF NOTES AND REMARKS.

No. of Division.	Bearing.	Distance.	Remarks.
No. 3	S. 56¾ E.	"	Com. at 1st station on Bayou Pacquet Bridge.
	"	"	At 30,06, a post. This line is claimed by Blanc as his boundary.
	"	"	At 35,49, a post.
	"	"	At 47,19, do.
	"	"	At 66,44, corner tree (pine.)
		66,44	
No. 3	S. 11 E.	"	This line is cleared by Blanc as his boundary.
	"	"	At 67,81. B. T. T. 9. S. 39. R. 13. E.
		47,81	
No. 3	S. 10 E.	"	At 23,20, low swamp with 8 feet water when surveyed.
	"	"	At 38,20, side of swamp next Bayou Liberty.
	"	"	Swamp *here* 15 chains wide.
	"	"	At 47,20, Bayou Liberty.
		47,20	
No. 3	N. 80 E.	7,00	
	N. 64 E.	7,00	
	N. 47 E.	3,00	
	N. 25 E.	20,00	Traverse of that part of Bayou Liberty enclosing the claim of *Térence Cousin*, commencing at *S. W. corner* dividing *Blanc's* claim and *Cousin's*, and closing at *N. E. corner*, and dividing line of *Dubuisson* and *Cousin*.
	S. 55 E.	2,00	
	S. 48 E.	13,00	
	N. 72 E.	7,00	
	N. 83 E.	10,00	
	N. 18 E.	12,00	
	N. 25 E.	8,00	
	N. 30 E.	6,00	
		95,60	Number of acres in N. 3. 616 A, 3 R, 30 P.
No. 4	S. 38 E.	"	This line marks the boundary of Cousin's claim as surveyed by G. C. Vanzandt. At 50,50 Blanc's railroad, and runs on Cousin's claim. At 105,50 B. T. T. 9. S. 39. R. 13. E.
	"	"	
	"	"	
		105,50	No. acres in No. 4. 112 A, 3 R, 19 P.
No. 5	N.	"	Tnis is the dividing line between sections 1 & 2. The line is marked with Lake.
	"	"	
	"	"	42,25, Length of base.
			Number of acres in No. 5. 22 A, 2 R, 7 P.

(Signed) THOS. B. HARPER,
Civil Engineer.

Parish of St. Tammany, Oct. 13th, 1851.

(For Plat of Gillespie's Survey, see original, page 92)

The courses of the annexed Survey given to the true meridian. The line L, A is therefore N. 25° W. by Magnetic Meridian.

The lines Blanc comprise from B to L, 40 arpents front on Bayou "Liberty," L to A, 320 perches, and A, N, the nearest right line from point A to Bayou "Pacquet," that will contain 1240 arpents. The figure Blanco and down Bayou Pacquet to B contains 1239.97 superficial arpents, or $1046\frac{54}{100}$ acres. C, O, U, S, I, J, K, M, P, the claim of F. Cousin, and contains 842.68 acres.

J, I, Q, R, K, the claim of Dubertran in conflict with Cousin, and Dubuisson, and with land entered by Alpuente, and contains $434\frac{22}{100}$ superficial acres, of which A, g, e, on Dubuisson has 10.09 acres, and N, C, K, on the land entered by Alpuente has 6 acres.

B, M, P, C, O, 612. 32 acres, belonging to E. Blanc (Dubertrand), and not in conflict with other claims. C, D, E, F, G, H, land entered by Alpuente of which C, D, J, T, G, X, Z, conflicts with the claim of Cousin, and contains 113.10 acres. E, F, T, J, conflicts with the claim of Dubuisson, and contains 36.10 acres. Z, H, X, not in conflict, contains 73.60 acres. C, Z, H, X,—G, T, F, E, J, D, K, C, the whole entry of Alpuente contains 222.90 acres.

The annexed is a correct survey of the claim of F. Cousin and E. Blanc, in the Parish of St. Tammany. The lines of Cousin, made in conformity with the approved survey by the United States Deputy, Surveyed June 19th, 1850, and approved Feb. 14th, 1852, by the Surveyor General. The lines of Blanc are in conformity with the survey of Don Carlos Trudeau, made Sept. 22d, 1806.

Parish of Jefferson, October 4th, 1852.

THEODORE GILLESPIE,
Surveyor.

Filed 1st November, 1852.

(Signed) W. B. HOSMER,
Cl'k.

CLERK'S OFFICE, 8TH JUDICIAL DISTRICT COURT,
Parish of St. Tammany.

I, William Boswell Hosmer, Clerk of the Court aforesaid, certify that the foregoing contains a true transcript of all the proceeding had, and all the evidence adduced on the trial of the above entitled suit, showing the pleadings and all the evidence, documentary and oral, upon which the case was tried, and now of file in said Clerk's office, in the suit wherein Evariste Blanc was the Plt'ff and Térence Cousin was the Def't. And I further certify that documents No. 1, 2, and 3 are true copies of the originals found among the papers belonging to said suit aforesaid, and not of file but copied at request of Plaintiff's Counsel.

In faith whereof I have signed officially and affixed the seal of said Court, at Covington, this twenty-seventh day of August, A. D. eighteen hundred and fifty-three.

[SEAL] (Signed) WM. B. HOSMER, *Clk.*

(*Endorsement on Transcript.*)

EVARISTE BLANC, App'ee, *vs.* TÉRENCE COUSIN, App't. } 3439. 8th Jud'l District St. Tammany.

A. Hennen for Plaintiff, J. R. Jones for Defendants. Supreme Court. Filed February 24th, 1854.

(Signed) EUGÈNE LATERE, *Clerk.*

(*Proceedings in the Supreme Court.*)

EXTRACT FROM THE MINUTES OF Monday, 27th February, 1854.

EVARISTE BLANC, App'ee, *vs.* TÉRENCE COUSIN, App't. } 3493.

On motion of Jesse R. Jones, Esq're, of Counsel for Defendant and Appellant herein, and on suggesting to the Court, that since the appeal was taken in this case, the Plaintiff and Appellee Evariste Blanc has departed this life. It is ordered by the Court that the representatives of said Evariste Blanc, to wit: Fanny Labatut, widowin community, Executrix of the last Will, and Tutrix to her minor son, James A. Blanc; Jules A. Blanc, Executor of the last Will; Jean Louis Blanc, Mrs. Emma Blanc, wife of R. G. Musgrove, Mrs. Silvanie Blanc, wife of J. D. Donegre, and William Laurens, natural Tutor to his son Pierre Laurens, son of Mrs. Delphine Blanc, all heirs and representatives of said Evariste Blanc, be made partie's Plaintiff in this suit, without prejudice to the rights of the said Plaintiffs and Appellee.

(*Motion to Dismiss Appeal.*)

E. BLANC, App'ee, *vs.* T. COUSIN, App't. } Supreme Court.

The widow of the said E. Blanc, deceased, Ex'tx, and Jules Blanc, Ex'tr, and the other heirs and representatives of the said E. Blanc, made parties plaintiffs, representing said E. Blanc in this appeal, now appear by their Attorney and Counsel, Alfred Hennen, for the sole

purpose of dismissing this appeal, and accordingly they move that the appeal be dismissed.

Because:

1. It was not regularly taken by petition in the Court below; no case being before that Court—but the same was still before the Supreme Court. The Judge of the 8th District Court had no authority to grant the appeal.

2. The Sheriff has not made his return on the back of the petition: nor sent it to the Clerk of the Court of appeal. C. P. 584, 200,

3. No original has been returned into this Court. 10th La. 484. Tompkins vs. Bradford.

4. No service of the Citation of Appeal was ever made at the domicil of E. Blanc, as required by C. P. 189. There is no proof of his absence from the State. (Page 145.)

5. Nor any Citation of Appeal delivered to any person apparently above the age of fourteen years, residing in the house during the absence of E. Blanc. C. P. 189.

6. The papers required to be brought up with the appeal have not been brought up with it. C. P. 587, 588—i. e. The petition of appeal and citation of appeal shall be brought up in original and not in copies, with the Sheriff's return in original. The copies are not sufficient.

7. A second appeal could not be granted after the first was dismissed.

They therefore (reserving their right to require ar amendment of the judgment, so as to give all that the Plaintiff prayed for in the Court below, so as to give the full benefit of all that was claimed then,) pray that this appeal may be dismissed with costs.

(Signed) ALFRED HENNEN,
Att'y for Ex'tx and heirs.

(*Endorsed.*)

E. Blanc
vs,
T. Cousin. } 3439. Supreme Court.

Motion to dismiss Appeal. A. Hennen, Attorney, Supreme Court. Filed March 1st, 1854.

(Signed) J. McCULLOCH,
Dp'y Clerk.

Answer of Widow & Heirs of E. Blanc.

E. Blanc, App'lee,
vs.
T. Cousin, Appl't. } Supreme Court.

And now the widow of the said E. Blanc, Executrix, and Jules Blanc, Extr., of the said E. Blanc, deceased, and the other heirs and representatives of the said E. Blanc, made parties plaintiffs

herein on the motion of the deft. T. Cousin, appear, answer and say,

That reserving all benefit which they may derive from the motion made to dismiss the appeal, for the reasons therein stated—and not intending to renounce or prejudice the same; but on the contrary, insisting on the same.

By leave of the Court first had and obtained.

That they pray that the Judgment of the Court below may be so amended as to give them the benefit of all that the plaintiff claimed below; i. e. the 222 80–100 acres of land, according to the Certificate No. 1280. And the 1240 arpents of land, in superficie, according to the plan annexed to the original petition: that they may be quieted in the possession thereof as owners. That the lands aforesaid, may be bounded accordingly—with the affirmance of the Judgment in all other respects, in their favor, with costs of the appeal.

(Signed) ALFRED HENNON,
Atty. for widow & heirs.

(*Endorsed.*)

E. Blanc, Appl'ee,
vs.
T. Cousin, Appl't. } 3439. Supreme Court.

Answer.—A. Hennon, atty. for widow & heirs.—S. Court.
Filed March 1, '54.

(Signed) J. McCULLOCH,
Dy. C'lk.

(*Extract from the Minutes.*)

Thursday, *March 2nd*, 1854.

Evariste Blanc, Appl'ee,
vs.
Térence Cousin, Appl't. } 3439.

This Cause was this day argued by Alfred Hennon, Esq., of Counsel for plaintiff and appelee; and J. R. Jones & M. G. Penn, Esqrs., of Counsel for Deft. & appellant.

(*Opinion & Decree.*)

Supreme Court of the State of Louisiana.

Monday, *December* 11th, 1854.

The Court met. Present: their Honors Thomas Slidell, Chief Justice, Cornelius Voorhies, and A. M. Buchanan, associate Justices; His Honor Henry M. Spoffard, Associate Justice, declining to sit; and His Honor A. N. Ogden, associate Justice is absent on account of sickness.

EVARISTE BLANC, App'lee, vs. TÉRENCE COUSIN, Appt. } Appeal from the 8th Judicial District Court of the Parish of St. Tammany. 3439.

In this Cause the Court this day delivered their opinion in writing, in the word and figures following.

The plaintiff brought an action of boundary against the defendant, respecting two tracts of land, adjoining one in the possession of the defendant. The plaintiff avers that one of his tracts contains 1250 superficial arpents, according to a survey made by order of J. V. Morales, on the 22d September, 1803; and the other consists of two lots of land, containing 222 80–100 Superficial acres, purchased from the United States.

The defendant denies that the plaintiff is owner of these lands, or has any title to them; and he claims, by reconvention, a portion of them as his property; and prays that he may recover them, as owner, from the plaintiff. To this reconvention, the plaintiff answered, claiming title, and calling in warranty his vendors. Damages were claimed by each party for trespass on the lands of the other. The case was tried by a Jury, who gave a Verdict for Blanc; and the Judgment of the District Court being in Conformity to the Verdict, the defendant has appealed.

It is characteristic of the action of boundary, that the defendant cannot question the title of plaintiff. C, C, 825. Sprigg *vs.* Hooper, 9 Rob. 248.

The title of plaintiff being here called in question by defendant's answer and reconvention, and plaintiff having joined issue thereupon and called his vendors in warranty, The action has lost its primitive character and has become a petitory one, in which Cousin, the original defendant is plaintiff—upon whom the burden of proof is thrown.

The evidence adduced by defendant of title to the *locus in quo* in his ancestor, consists of the documents annexed to his answer and petition in reconvention. They are as follows:

[1.] A Certificate of Confirmation in the following words: "Commissioner's Report, Letter B, certificate No. 178. Land Office St. Helena. In pursuance of the Act of Congress passed the 3rd March, 1819, entitled "An Act for adjusting the claims to land, and establishing land offices for the District East of the Island of New Orleans." We certify that claim No. 255, in the report of the Commissioner, marked B, claimed by François Cousin, original claimant Stephen Rene, is confirmed as a donation, and entitled to a patent for one thousand Arpents, situate in St. Tammany, and claimed under an Order of Survey, dated 10th September, 1798.

Given under our hands, this 8th day of June, 1820.

(Signed) CHARLES S. COSBY, *Register.*

FULWER SKIPWITH, *Receiver.*

Attest F. HERAULT, *Clerk.*

[2] An order of location and survey from the Land Office, St. Helena District, in the following words:

"Land Office, St. Helena, Francis Cousin, Certificate No. 178, dated June 8th, 1820. St Tammany, September 21, 1826.

"Francis Cousin claims a tract of one thousand arpents of Land situated in the Parish of St. Tammany, as purchaser from his father, Francis Cousin, deceased, who bought it from Louis Blanc, who bought it from the original owner, Gabriel Bertrand, and in virtue of certificate No. 178, dated 8th June, 1820, and signed Charles S. Cosby, Register, and Fulwer Skipwith, Receiver, which certificate it is alleged by this Claimant, that it is erroneously set forth that Stephen René was the original Claimant. It appearing that this tract of land is fronting on Bayou La Liberté, bounded below by the tract of land of Mr. Jirod, and above by a tract of land belonging to Claimant. It is ordered that this claim be located and surveyed with a front extending on said Bayou, from the land of said Girod to that of Claimant above, and from these points on the Bayou to run back for quantity.

Given under our hands this 21st day of September, 1826.

(Signed) SAM'L J. RANNELLS,
Reg'r.
WILL'M KINCHEN,
Receiver.

[3] *A Plot of Survey made by G. C. Vanzandt, Surveyor under the Order just recited.*

The Act of Congress of 25th April, 1812, chapter 67 of the Session Acts, authorized the appointment of a Commissioner for the purpose of ascertaining the titles and claims to land in the district of country west of Pear River, south of the Mississippi Territory, and east of the Mississippi, and the Island of Orleans, within which district of country the land now in dispute lies.

By the provisions of the Statute, it was the special duty of the Commissioner to call for and receive from the inhabitants of said district, notices and evidences of claims and titles to land, derived from the French, Spanish, or British Governments, who had formerly held the country; which notices and evidences of claim were directed to be recorded in books to be opened for that purpose.

It was further made the duty of the Commissioner to report to the Secretary of the Treasury upon the claims thus notified to him and the evidence furnished; which report the act directed to be laid before Congress at the next session thereafter for their determination thereon.

On the 2d January, 1816, the Secretary of the Treasury transmitted to Congress a report made by the Commis ioner of Land Claims appointed for the district west of Pearl River under the act of 1812,

James O. Cosby. This report is printed in full in the American State papers, Public lands, volume third. The Report classifies the claims as follows:

A. Claims founded on complete grants from the French, British, or Spanish Governments, which in the opinion of the undersigned Commissioner, are valid agreeably to the laws, usages or customs of such Governments.

B. Claims founded on orders of survey, requests, permission to settle, or other written evidence of claims, derived either from the French, British, or Spanish authorities, which in the opinion of the Commissioner ought to be confirmed.

C. Claims founded on grants said to be derived from either the French, British, or Spanish governments, which in the opinion of the Commissioner are not valid, agreeably to the laws, usages, or customs of such Governments.

D. Claims founded on orders of survey, requests, permission to settle or other written evidence of claim which in the opinion of the Commissioner ought not to be confirmed.

In this Report, Class B., No. 255, reads as follows:

(*See page 56 of the Volume of American State Papers above quoted.*)

By whom claimed.	Original Claimant.	Nature of claim and from what authority derived.
F. Cousin.	Stephen René.	Order of Survey.

Date of Claim.	Quantity Claimed.	Where Situated.	By whom Issued.	Where Surveyed.
Sept. 10, 1789.	1000.	St. Tammany.	E. Miro	Blank.

By whom Surveyed.	Inhabited and Cultivated from —— to ——, at	General Remarks.
Blank.	Blank.	Blank.

Congress does not appear to have taken any decisive action on this report until the year 1819, when it passed the act "for adjusting the claims to land and establishing Land Offices in the districts east of the Island of Orleans." Chapter 223 of the Session Acts.

The second Section of that Act reads as follows: "All claims reported as aforesaid and contained in the several reports of the said Commissioners, founded on any order of Survey, requete, permission to settle, or any written evidence of claim derived from the Spanish authorities, which ought in the opinion of the Commissioners to be confirmed, and which by the said reports appear to be derived from the Spanish Government before the twentieth day of December, one thousand eight hundred and three, and the land claimed to have been cultivated and inhabited on or before that day, shall be confirmed in the same manner as if the title had been complete. Provided that in all such claims, when the plat and certificate of survey, made prior to

the fifteenth day of April, one thousand eight hundred and thirteen, under the authority of the Spanish Government in pursuance of such claim, has not been filed with the said Commissioners, such claim shall not be confirmed to any one person for more than twelve hundred and eighty acres; and that for all the other claims to land, comprised in the reports aforesaid, and which ought in the opinion of the Commissioners to be confirmed, the claimant shall be entitled to a grant therefore as a donation; provided that such grant as a donation shall not be made to any one person for more than twelve hundred and eighty acres; which confirmation of the said incomplete titles and grants of donations, hereby provided to be made, shall amount only to a relinquishment forever on the part of the United States, of any claim whatever to the tract of land so confirmed or granted."

By the 12th section of the same act of 1819, it is enacted "that the books of the former Commissioners, in which the claims and evidence of claims are recorded, shall be lodged with the registers of the land office for the respective districts; and the register and receiver of public moneys in each respective district shall have power to examine the claims, recognized, confirmed or provided to be granted, by the provisions of this act—and they shall make out to each claimant entitled in their opinion thereto, a certificate, according to the nature of the case, under such instructions as they may receive from the commissioner of the general land office; and on presentation at the general land office of such certificate for a confirmed claim, or for a donation, according to the provisions of this act, and when it shall appear to the satisfaction of the Commissioner of the general land office, that the certificate has been fairly obtained according to the true intent and meaning of this act, then and in that case, a patent shall be granted in like mannner as for other lands of the United States."

The certificate dated 8th June, 1820, numbered 178, offered in evidence by defendant, was given, under the above provisions of law, by the Register and Receiver for that Land District, Charles O. Cosby and Fulwar Skipwith.

The first objection made to it by plaintiff's counsel, is that the statute did not authorize a donation, except the land claimed had been cultivated and inhabited by the claimant previous to the 20th December, 1803.

It is quite possible that such may have been the intention of Congress. But the section is clogged with provisos which confuse its sense, and render it difficult for us to pronounce, that the Register and Receiver were wrong in coming to the opposite conclusion. The statute itself however provided a tribunal of revision for such certificates, to wit, the Commissioner of the general land office. To that ordeal, the certificate in question does not appear to have been ever submitted, although thirty years and more elapsed between its date, and the commencement of this suit. But some six years later, and when other individuals had succeeded to Cosby and Skipwith in the office of Register and Receiver, we find an attempt made to amend the cer-

tificate by correcting what are called errors in the most material parts of the same.

The counsel for plaintiff also objects to the certificate of 8th June, 1820, on account of the vagueness of description of the land donated. We consider this objection to be well founded. The description is "One thousand arpents, situated in St. Tammany." It is plainly impossible to locate land by such a description as this. And when such is the case, the grant can produce no effect.

16th Peters.—U. S. *vs.* Miranda.

10th Howard.—Villalobos *vs.* U. S.

15th Peters.—U. S. *vs.* Delestine.

11th Howard.—Lecompte *vs.* U. S.

5th Annual.—Ledoux *vs.* Black.

It is proper here to mention that the order of survey of 10th Sept. 1798, mentioned in the certificate, is not produced, although formally called for by the opposite party. Had such an order of survey ever been given in evidence before the Commissioner of land claims, it would have been recorded in the archives of the Land Office. See Acts of Congress of 1812 and 1819 above quoted.

But no such record appears.

It was probably a consciousness of this defect in his title, which induced the defendant's ancestor to procure from Ramell's and Kinchen the successors of Cosby and Skipwith in the office of Register and Receiver of the Land office, at St. Helena, the order of location and survey of the 21st Septemer, 1826, which the defendants offers in evidence.

This paper sets out by declaring that the first certificate had erroneously stated the origin of defendant's title, gives another and totally different origin to the same as the correct one, and orders a survey to be made and the defendant's donation to be located on the Bayou Liberty between the lands of certain proprietors named. The survey of Vanzandt was made in conformity to this order.

We view the amended certificate of the 21st September, 1826, and the survey under it as nullities. For the certificate of Cosby and Skipwith followed strictly the report of the Commissioner of Land claims, confirmed by the act of Congress of 3d March, 1819. Therefore, in correcting that certificate, Rannells and Kinchen took upon themselves to correct the report of the commissioner of land claims, and to make the act of Congress apply to a claim which was not mentioned in that report, and which was consequently never before Congress.

The Supreme Court of this State, in the case of Newport *vs.* Cooper, (10th La. Rep.) decided that the Register and Receiver of the Land office at St. Helena, were without power, by law, to reverse and annul a certificate granted by their predecessors. By parity of reasoning, are they without power to make amendments in such a certificate, which falsify the act of Congress on which the first certificate was based. If the claimant could not locate the land claimed by him,

under his claim as presented to the Commissioner of land claims and reported to Congress, that was a misfortune which the Land officers at St. Helena had no power to remedy, by fabricating for him a new claim, seven years after the action of Congress upon the report.

The defendant, plaintiff in reconvention, having failed to prove any title to the land in controversy, the Judgment of the District Court must be affirmed. Therefore,

It is ordered, adjudged and decreed, that the Judgment of the Court below be affirmed; and it is further ordered and decreed, that the plaintiff's Heirs and representatives be quieted in the possession of the several tracts of land, and with the extent mentioned in his petition and accompanying documents, and that said lands be bounded accordingly: It is lastly ordered and decreed, that the Defendant and appellant pay the costs of both Courts.

Petition to Amend Judgment.

To the Hon'ble the Judges of the Supreme Court of the State of Louisiana.

The petition of the widow and Heirs of Evariste Blanc, Respectfully shews: That your pet'ers are fully satisfied with the principles on which you have decided the appeal of E. Blanc vs. François Cousin, as all the extent of land they claimed therein was granted to the plaintiffs. But as a survey of the land in controversy was made by order of the District Court below, and a plan thereof returned into Court, and a Copy of that survey came up with the record.

Your pet'ers respectfully pray that a reference to that plan may be made in the decree of the Court,—and that it may be further decreed, that your pet'ers shall be put and quieted in the possession of the land agreeably to said plan; and the lines marked thereon BLANC, be the boundaries of the land of your pet'ers for the twelve hundred and forty arpents under the survey of L. Trudeau. And as in duty bound, &c.

(Signed) ALFRED HENNEN.
Att'y for Pet'rs.

(*Endorsed.*)

E. BLANC vs. T. COUSIN. } 3439. Supreme Court.

A. HENNEN,
Att'y.

Filed Dec'r 18th, 1854.
(Signed) J. McCULLOCH,
D'y Cl'k.

Application for a Re-hearing.

E. Blanc
vs.
T. Cousin. } Supreme Court.

The undersigned of Counsel for T. Cousin, Respectfully asks for a re-hearing. The confirmation to Francis Cousin was made by the 2nd section of act of the 3rd of March, 1819. That section confirms three classes contained in J. O. Cosby's Report B. *First*, all the claims reported by said Commissioner founded on any order of survey, requette, permission to settle, or any other written evidence of claim derived from the Spanish authorities, which ought, in the opinion of the Commissioners to be confirmed, and which by the said reports appear to be derived from the Spanish Government, before the 20th December, 1803, and the land claimed to have been cultivated and inhabited on or before that day, shall be confirmed in the same manner as if the title had been completed. *Second*, similar claims where the plat and certificate of survey, made prior to the 15th of April, 1813, under the authority of the Spanish Government, has not been filed with the Commissioners, the confirmation is limited to 1280 acres. *Third*, and for all other claims to land comprised in the reports aforesaid, and which ought in the opinion of the Commissioners to be confirmed; the claimants to such lands shall be entitled to a grant therefor as a donation, limited so as not to exceed 1280 acres. Observe here that nothing is required with regard *with regard* to this class of claims, except the opinion of the Commissioner that the claim ought to be confirmed.

Such was the report of the Commissioner with regard to claim No. 255, B, in favor of F. Cousin, and in pursuance of the 12th section of the same act, Cosby and Skipwith issued the certificate on the 8th of June, 1820, and numbered it 178. This certificate is merely the evidence of the confirmation, the commissioners then had no power to locate the land, but could only simply declare in the words of the report, that F. Cousin was confirmed in a claim to a tract of land as a donation of 1000 arpents in the Parish of St. Tammany.

The second section of the act 25th April, 1812, required the commissioners to attend in each Parish to receive notices of claim, and in his report to Congress, he made no other designation of the location of any claim except the Parish in which it was situate. No certificate for a donation has ever been issued in that land district in any other form. On the 8th of May, 1822, Congress passed a supplemental act for adjusting land claims, &c., the 4th section of which gave power to the Register and Receiver, and made it their duty to locate all confirmations except complete grants, and in pursuance of which Rannells & Kincher on the 21st of September, 1826, granted the order of survey to Cousin. And to enable them to locate said donation correctly, it was their duty to have recourse to the records in their office which had been made by the clerk of J. O. Cosby in com-

pliance with the 4th section of the act 25th April, 1812, and on said record, at claim 255 B they found the notice of F. Cousin, that he claimed land fronting on Bayou Liberty, adjoining F. Dubuisson by virtue of transfers from Louis Blanc of grants which had been made to Bertran, and with said notice, they found recorded a concession to Bertran and one to Louis Blanc, and transfers of both to F. Cousin. In addition by the provisions of the aforesaid section, it was made their duty to examine witnesses to ascertain if there was any conflict with adjoining proprietors, and ascertaining that Dubuisson's claim had been surveyed at an early period by the Spanish authorities, and that Girod as successor of Dubertrand was on the other side with boundaries long since established; they had no difficulty in locating the claim properly, and granted an order to survey the land with all the front on Bayou Liberty which might be found between the two claims, and to run back for quantity. This was certainly doing no more than they were bound to do, and in no manner annulling or amending any thing that had been done by their predecessors. It was their duty to locate the claim as a donation, according to the evidence, and in conformity to the law regulating donations. In the report, the only fact upon which Congress acted, was the opinion of the commissioner, that F. Cousin was entitled to a confirmation of 1000 arpents. It is clear that he formed that opinion from the evidence before him, which accompanied the notice of claim, and if in making out the report, a different name and order of survey were inserted, they were mere clerical errors, which had no effect on the merits of the claim and had those columns have been left blank, the result would have been the same. Any expressions in the report, in the certificate and in the order of survey, as to derivation or error related to immaterial facts and should be considered surplusage.

The applicant Cousin has certainly shown a full relinquishment of the Government of the United States to this tract of land, and for which a patent will issue, unless it shall be made appear to the Commissioner of the General Land Office, that this relinquishment was obtained by fraud; no other Tribunal has any authority to determine between the claimant and the government.

I admit that Courts of Justice have power to declare null confirmations, and even patents, where they have been obtained in fraud of the rights of individuals, who had valid titles to the same lands. The order of survey in favor of Cousin was issued in 1826, and the survey was made by Whiting, in 1827; no person then pretended to have any interest in the land.

It was surveyed by Vanzandt in 1845, but according to the evidence of Gallatas and Penn, Vanzandt retraced the lines made by Whiting. If, between 1826 and 1845, Alpuente had purchased any of this land from the Government and transferred the same to Blanc, it was sold without authority, and had to be taken subject to the corrections authorized by the act of 1842.

It is true that the plaintiff commenced his petition as an action of boundary, but he made it a petitory action by alledging that he was

the owner of the two tracts of land, and declaring that the defendant has trespassed on the same, and claiming $500 damages; had defendant have filed a general denial, the plaintiff would had to have shown a good title before he could recover; but as defendant reconvened and alleged title, the one having the best title should have succeeded. Let us therefore examine the titles of the original plaintiff; with regard to the 222 acres which Alpuente purchased of the Government, the Receiver's receipt is for lands in section two, the testimony of Harper and the inspection of the old Township map shows that only twenty-two acres of Cousin's tract is in that section, and the land purchased by Blanc according to his title, was situate in section nine, about three miles distant; and had it conflicted with Cousin's claim, it would have been controlled by the act of Congress passed in 1822, to provide for the correcting the surveys of that district.

The tract for which he claims 1280 arpents, is founded upon a plat and survey made by Trudeau, 22d September, 1803, by order of Morales for Gabriel Dubertran. There is no evidence that this claim was ever recognised by the United States, or recorded according to the act of Congress, and from the date, it is evident that it cannot be valid as a complete grant under the provisions of the treaty. Authorities are so numerous that I deem it unneccessary to quote. This purports to be a claim for 1250 arpens; but Blanc purchased only 693 arpens, the previous owner having had it surveyed by D'Hemecourt, found only that quantity within the lines, and sold according to that survey. The parol testimony shows, that the line dividing the Dubertran tract from the Cousin tract, had been recognised as such for forty years, and so the Jury found in their verdict. Yet your Honors in your decree give the plaintiff all he claims, running over the line so as to include about five hundred acres more than his title calls for, in contradiction to all the parol evidence and the finding of the Jury with regard to that boundary. Compare Trudeaux's plat with the lines run by Gillespie on his map to include 1240 arpens, and it will be evident that Trudeaux's survey never included more than 693 arpents. The injustice of this part of the decree is so manifest, that I feel convinced that your honors will consider this sufficient of itself to grant a rehearing.

All the authorities quoted by your Honors are cases where the claims had been rejected by the Government, and the claimants brought suit against the United States to have their claims recognized as valid under the Treaty; and the cases quoted by plaintiff's counsel are cases where the confirmations were under the first clauses of the Section or other acts confirming in complete grant that had been surveyed; they do not apply to this claim which is recognized by the Government as a donation, and had never been surveyed by the former Government. This claim is a grant from the United States, and has been located in conformity to the laws which provide for the location of donations.

Respectfully submitted,

(Signed) JESSE R. JONES,
Att'y for Appellant.

(*Endorsed.*)

BLANC
vs. } 3439.
COUSIN.

Application for a re-hearing, Supreme Court.
Filed Dec'r 18th, 1854.
(Signed) J. McCULLOCH.
Dy. Clerk.

(*Reply of A. Hennen to Application for re-hearing.*)

BLANC
vv. } Sup. Court. No. 3439.
COUSIN.

On the application for a new hearing in this case, by the counsel for the defendant, an attempt is vainly made to show that the Court erred in the principles on which the Judgment was rendered.

The Plff. Blanc, instituted an action of boundary, and set forth the *titles* under which he held, and prayed that the *boundary might be fixed according to his titles.* It is necessary that the titles should be presented, and the plans, that the Court may decide according to them, C, C, arts. 837—839, and 841. The limits must be fixed according to the respective titles of the parties, C, C, art. 841. The Pltff. brought no petitory action, though he claimed damages for trespass on his land.

But it was the defendant, Cousin, who brought a petitory action; for he denies that Blanc had any title to the land of which he held possession, claims the land from him, and asks damages for cutting the trees, &c. So that in truth Cousin was, as the plaintiff in this petitory action, and bound to make out his case. This he did not do. The titles produced by him give no definite bounds to any land. As he claimed under an order of survey, he was bound to produce it. He was called upon for it, but he could show none, for he had none. The attempts to explain how errors may have occurred, is not supported by any evidence; and if it was, the proof itself would not avail, as it would be in violation of the act of Congress, 25 April, 1812, §4 and 5, which required all the evidence in support of the title to be produced and recorded. If this had ever been done, it was incumbent on Cousin to produce it. Without the production of the order of survey of 10th Sept'r, 1798, in favor of Stephen Rene, and the sale from him to Cousin, under which the claim was made, it is in vain to pretend to any title in Cousin. That part of the case and the application for a rehearing based on it, will be dismissed without further reply. The act of Congress, May, 1822, §4, referred to in the application, can have nothing to do with such a case, but the power contended for, even in cases where it might be invoked, could not authorize the Commissioners to locate land in any place different from the order of survey under which it was claimed.

The counsel for Cousin complains that the Court has given Blanc more land than he claims, or than he is entitled to by his titles. Blanc claims in his original petition the 1240 superficial arpents, according to the order of survey from J. V. Morales, and the actual survey made by L. Trudeau, and a copy of the survey is annexed to his petition. He also claims the $222\frac{80}{100}$ acres bought from Alpuente, and prays that the boundaries of these two tracts may be marked out by order of the Court to establish the extent of his land, Gillespie, the surveyor, has distinctly marked these two tracts of land on his survey, a copy of which comes up with the record, and according to this, has been the Judgment of the Court. Now the defendant, Cousin, in this action of boundary has no authority to contest the boundaries of the land of Blanc, according to his titles; because it is already seen that he has no title to any land adjoining Blanc; moreover, the limits must be fixed according to the respective titles of the parties, C, C, art. 841.

By a regular chain of title given in evidence, all the land belonging to Dubertrand by his order of survey, has been conveyed from him through N. Girod to Blanc, and at one time by direct reference to the survey, and at others, by sales *per aversionem*, which gives all the quantity contained within the boundaries, C, C, art. 850.

The Court has given Blanc only what the original titles call for, and the possession of which is proved to have been in him and his vendors, without interruption, for more than fifty years. That possession Blanc avers, and bases his title by prescription to the extent thereof against Cousin, who has no title. Blanc and his vendors having been in possession of the 1240 arpents since the survey, in September, 1803, must be maintained therein against Cousin, if he exhibit no title to any portion of it.

If the decision of the Court on the title of Cousin is correct, (and of this there can be no doubt,) it follows as an inevitable consequence, that Blanc must be bounded according to his titles, as no other conflicts with him.

The Counsel for Cousin says, (page 3,) that Renells & Kinchen gave the certificate to Cousin in Conformity with the records of J. O. Cosby. This is not the fact—there is no proof of it—on the contrary —the proof is that the order of survey was in favor of Stephen Rene.

The certificate of 20th September, 1826, is to all intents and purposes a new grant, it gives the land to a different person—i. e. to Francis Cousin, a purchaser from his father, F. Cousin, and by virtue of conveyances from different persons. Not one word is said about Stephen Rene, through whom the first certificate was given, and who was the original claimant according to the certificate of the 8th June, 1820. In one case the original owner is Gabriel Dubertrand, who sold it to L. Blanc, who sold it to F. Cousin. In the other the original claimant is Stephen Rene.—Is it not most preposterous to pretend that these two claims and tracts of land are one and the same? The

more these certificates are examined the more their utter worthlessness is apparent, and more desperate the cause of Cousin.

The attempt to explain those discrepencies made by Judge Jones, on page 4–5 of his second brief, filed 9th March, 1854, is most bungling and only makes the matter worse, and very much to the discredit of the memory of a deceased inhabitant of the Parish, Major Baham, who was by no means so illiterate as the Judge would make him. But it is said, that Blanc has no title recognized by the U. States. If this was any objection to it, why was it not made when offered in evidence? It was received without opposition, and cannot now be objected on that ground—moreover this is not a controversy with the U. States. Blanc was not required to produce any title against the Government. But if he had been; there is proof in the record, in all the plans, several in number, produced both by Plff. and Deft., that the Government has recognized the title to the 1240 arpens held by Girod under the sale from Dubertrand. Girod is put down on all of them as the owner of the tract of land in the forks of the Bayou. But what will Judge Jones say to his own title given in evidence (No. 178, 21st Sept., 1826,) which recognizes as the boundary of his land, the tract of Girod, and requires the survey to be made according to it? As his own title can only be ascertained by first finding the tract, and lines of the Girod tract, Is it not most preposterous to pretend that Girod has no title to land? But Blanc has the chain of title to himself down from Girod, and as Cousin's title *calls* for a boundary on the tract, Cousin must submit to give it the full extent of Girod's title which is in evidence, Cousin is estopped from denying the title of Girod, or disputing the extent of it, as given by the survey of L. Trudeau, i. e. 1240 superficial arpents, in the fork of the Bayou. The Court has given the extent of land to Blanc, and fixed these boundaries, as given by L. Trudeau, and there can be no injustice in adhering to the decision, as it is founded on the clearest principles of law, in conformity with the evidence and justice of the case. Judge Jones says (p. 105) that Trudaux's survey never included the 1240 arpents. This is mere assertion, in opposition to the express declaration of Trudeau, without any proof to invalidate the truth of that officer, noted as well for his accuracy as his honesty. Acts of Congress of 1822 and of 1842 (p. 104) are referred to by Judge Jones as containing provisions which I cannot find. In fact, if any such acts are on the Statute book, they have no application to the present case.

To answer all the assertions of law and fact so recklessly made by Judge Jones, would extend these observations to a length tedious to the Court; they only show the excess of his zeal to sustain the ruined cause of his client, without regard to the facts and law of the case; and may therefore be pardoned, but should be disregarded. The heirs of Blanc trust the Court will adhere to its decision, and only render the decretal part of the Judgment more *definite*, by a reference

to the lines B, L, A, N, C, on the plan of Gillespie as the boundaries of the Claim.

Respectfully submitted.

(Signed) ALFRED HENNON.
For Pltff.

(*Endorsed.*)

3439. Supreme Court. Blanc *vs.* Cousin. Observations of A. Hennon for Plaintiff.
Filed January 6th, 1855.

(Signed) EUGENE LESERE,
Clerk.

(*Order refusing rehearing, &c.*)

(Extract from the Minutes.)

Monday, 7*th May*, 1855.

EVARISTE BLANC, Appellee,
vs.
TÉRENCE COUSIN, Appellant. } 3439.

It is ordered that the rehearing prayed for in this Case, and the prayer to amend be refused.

(*Maps, pages* 109–110.)

(For Copy of Plan of Gillespie's Survey, see Original, p. 109.)

(*Revelation.—Explicative.*)

The courses of the annexed Survey given to the true meridian. The line LA is therefore N 25° W by magnetic meridian.

The lines B, L, A, N, C, comprise from B to L 40 arpents front on Bayou "Liberty;" L to A 320 perches; and NN the nearest line from the point A to Bayou "Paquet" that will contain 1240 arpents. The figure B, L, A, N, C, O, and down Bayou Paquet to B, contain 1239.97 superficial arpents, or 1046 54–100 acres.

C, O, U, S, I, J, K, M, P. The claims of F. Cousin and contain 842.66 acres.

J, I, Q, R, K. The claim of F. Dubuisson and contains 717.21 acres.

M, L, A, N, C, P. Claims of Dubertrand in conflict with Cousin's and Dubuisson, and with land entered by Alpuente, and contains 434 22–100 superficial acres of which Age on Dubuisson has 10.09 acres, and N, C, K, on the land entered by Alpuente has 6 acres.

B, M, P, C, O. 612.32 acres belonging to E. Blanc (Dubertrand), and not in conflict with other claims.

X, C, D, E, F, G, H. Land entered by Alpuente of which C, D, J,

Copy of a Letter from Lieutenant Governor Dalrymple

T, G, X, Z, conflicts with the claim of Cousin's and contains 113.10 acres. E, F, T, J, conflicts with the claim of Dubuisson and contains 36.30 acres.

Z, H, X. Not in conflict, contains 73.60 acres. C, Z, H, X, G, T, E, F, J, E, c, k. The whole entry of Alpuente contains 222.90 acres.

The annexed is a correct Survey of the claims of F. Cousin and E. Blanc in the Parish of St. Tammany.

The lines of Cousin's made in conformity with the approved Surveys by the United States Deputy Surveyor June 19, 1851, and approved Feb'y 14, 1852, *by the Surveyor General.* The lines of Blanc are in conformity with the Survey of Don Carlos Trudeau, made Sept. 22d, 1803.

Parish of Jefferson, October 4, 1852.

THEODORE GILLESPIE,
Surveyor.

Filed 1st Nov., 1852.

(Signed) W. B. HOSMER,
Clerk.

(*Endorsed.*)

CLERK'S OFFICE, Parish of St. Tammany.
Eighth Judicial District Court.

I hereby certify that the within plan is a true copy of the original plan drawn by Theodore Gillespie under an order of court, and used as evidence upon the trial of the suit of Evariste Blanc *vs.* Térence Cousin No. 347 on the Docket of said Court, and filed in said suit 1st Nov. 1852.

In faith whereof I grant these presents under my official signature and seal of office at Covington, February 14, 1853.

[SEAL] (Signed) W. B. HOSMER,
Clerk.

3034. Supreme Court.

Filed Feb'y 26, 1853.

(Signed) J. McCULLOCH,
D'y Clerk.

(For copy of plan of Harper's Survey, see original page 110.)

(*Notes and Remarks.*)

Claims of Térence Cousin in the suit of Blanc, *vs.* Cousin, beginning at stake on Bayou Pacquet, at N. E. side of the Covington Road

No. of Division.	Bearing.	Distance.	Remarks.
No. 1	S. 32½ E.	1,84	To post L. D. of Ba. Pacquet's Bridge. 6,30' Tree marked S. 2 line bet. 1 & 2 Ft.
	N. 61 W.	7,00	7,00 " " S. 39 from stake to Tree 3.
	"	21,00	End of station line tree mk'ed S.39.T.9.R.13.E.
	N. 21¾ E.	"	24,50, Dry Bayou.
	"	"	33,14, Crossed line *again* bet. S. 1 & 2.
	"	"	33,70, Mr. Blanc cut and corded the timber.
	"	38	Township line.
	"	"	14,90, Corner tree.
		52,90	
	S. 62° E.	"	G. C. Vanzandt's makes the bearing of this line S. 21° W.* Read at next, 32,00.
	"	"	30,00, Station line crosses station line T. 8.
	"	"	S. 39, R. 13. E.
	"	"	B. T. 9. R. 13. E.
		38,36	
	"	"	G. C. Vanzandt's.*
	S. 27½ W.	"	18,96, to a post.
		"	23,67, do. do.
		"	Two posts marked T. 39, 2,38, dividing line between Dubuisson & Cousin.
		122,80	

			A. R. P.
No. 2	S. 21¾ W.		Mr. Vanzandt's br'ng. (Acers in No.2, 37, 2, 06.
No. 3	S. 50° E.	"	13,00, to a clearing 2,00 chains from the Covington Road.
	"	"	75,75, From corner to range line dividing R. 5.
	"	"	132,14, marshy land commenced at 155 chs. 00 lks.
	"	159	Post found at corner Bayou Liberty.
	"	159	
No. 3	S. 56¾ E.	"	Com. at 1st station & Bayou Pacquet Bridge.
		"	At 30,06, a post. This line is claimed by Blanc as his boundary.
		"	At 35,49, a post.
		"	At 47,19, do.
		"	At 66,14, corner tree (pine.)
		66,44	

CONTINUATION OF NOTES AND REMARKS.

No. of Division.	Bearing.	Distance.	Remarks.
No. 3	S. 11 E.	"	This line is claimed by Blanc as his boundary.
		"	At 47,81. 8. T. T. 9. S. 39. R. 13. E.
		47,81	
No. 3	S. 10 E.	"	At 33,20, low swamp with 8 feet water when surveyed.
		"	At 38,20, side of swamp next Bayou Liberty.
		"	Swamp *here* 15 chains wide.
		"	At 47,20, Bayou Liberty.
No. 3	N. 80 E.	7,00	
	N. 64 E.	7,00	
	N. 47 E.	3,00	
	N. 25 E.	20,00	Traverse of that part of Bayou Liberty in-
	S. 55 E.	2,00	cluding the claim of *Térence Cousin*, com-
	S. 43 E.	13,00	mencing at *S. W. corner* dividing *Blanc's*
	N. 72 E.	7,00	claim and *Cousin's*, and closing at *N. E. cor-*
	N. 83 E.	10,00	*ner*, and dividing line of *Dubuisson* and *Cou-*
	N. 18 E.	12,00	*sin.*
	N. 25 E.	8,00	
	N. 30 E.	6,00	
		95,60	Number of acres in N. 3. 616 A, 3 R, 30 P.
No. 4	S. 38 E.	"	This line makes the boundary of Cousin's claim as surveyed by G. C. Vanzandt's. At 58,50 Blanc's railroad, and runs on Cousin's claim. At 105,58, 3. T. T. 9. S. 39. R. 13. E.
		105,50	No. acres in No. 4. 112 A, 3 R, 19 P.
No. 5	N.	"	This is the dividing line between sections 1 &
		"	2. The line is marked with Lake.
		"	42,25, Length of base.
			Number of acres in No. 5. 22 A, 2 R, 7 P.

(Signed) THOS. B. HARPER,
Civil Engineer.

Parish of St. Tammany, Oct. 13th, 1851.

Marked T. E. Blanc, vs. Cousin. Filed 13th Oct. 1851.
(Signed) W. B. HOSMER,
Clerk.

(*Endorsed.*)

CLERK'S OFFICE, Parish of St. Tammany, }
Eighth Judicial District Court. }

I hereby certify that the within plan is a true copy of the original

plan drawn by Thos. B. Harper, made under an order of court, and used as evidence upon the trial of the suit of Evariste Blanc, vs. Térence Cousin, No. 247 on the docket of said court, marked and known in the note of evidence by the letters T. (T.)

[L. S.] In faith of which I have signed my name officially, and impress of the seal of said court at Covington.

February 14, 1853.

(Signed) W. B. HOSMER,
Cl'k.

3439. Supreme Court.
Filed Feb'y 26, 1853.

(Signed) J. McCULLOCH,
Dy. Clk.

(*Petition for a Writ of Error.*)

TO THE HONORABLE THE JUDGES OF THE SUPREME COURT OF THE STATE OF LOUISIANA.

The petition of Térence Cousin Respectfully shews: That your Hon. Court has heretofore rendered a final judgment in the suit in which your petitioner was defendant and Evariste Blanc was plaintiff, which suit is No. 3449 on the docket of this court; that he is advised that there is error to his prejudice in said judgment; that this Court is the highest Court of Law or Equity in the State of Louisiana, in which a decision can be had in said suit; that in said suite the validity of a statute of, and an authority exercised under the United States, is drawn in question and the aforesaid decision is against the validity of said statute or authority; that in said suite is further drawn in question the construction of a clause or of a statute of, and a commission held under the United States, and the said decision is against the title, right or privilege specially claimed and set up under such clause of said Statute and commission; all of which appears on the face of the record of said suit; that accordingly a writ of error lies from said final judgment to the Honorable the Supreme Court of the United States.

And the said Evariste Blanc having died since the institution of this suit, your petitioner prays that a Writ of Error may be allowed him with citation to be served on the legal representatives of said Evariste Blanc, to wit: Fanny Labatut, widow in community of said Evariste Blanc, usufructuary of his Estate and Testamentary Executrix, and the following six branches of heirs, the issue of the marriage of said Fanny Labatut with said Evariste Blanc, viz: 1st. Jules A. Blanc, Co-Executor under the will; 2d. Elma Blanc, wife of Robert G. Musgrove; 3d. Sylvanie Blanc, wife of James D. Denegre; 4th. Jean Louis Evariste Blanc; 5th. James A. Blanc; 6th. Pierre Evariste Laurens, sole issue of the marriage of Delphine Blanc, deceased, a daughter of said Evariste Blanc, with Wm. Laurens; and also on

the other parties who were called in warranty in said suit and made parties thereto by said Evariste Blanc, to wit; Catherine Millon, the widow of Francis Alpuente, François Ruiz Alpuente, Amédée Alpuente, Catherine Isabella Alpuente, the widow of Felix de Armas, Coralie Alpuente, the widow of John Baptist Dolhonde, Mathilde Alpuente, the wife of Rosemond de Armas—Bazile Beauregard, the administrator of the property of his minor children, viz; Joseph Toutant Beauregard, Victor Bazile Beauregard, Radolphe Bazile Beauregard, Emile Beauregard, Marie Elodie Beauregard, Rosalie Beauregard, and Emilie Beauregard; Joseph Soniat Dufossat and Wm. A. Nott and Georges W. Nott, Testamentary executors of Charles Favre Daunoy, who has died since the decision of this suit—returnable to the Supreme Court of the United States upon his giving security as the law directs.

(Signed) LOUIS JANNIN,
Att'y for Pet'rs.

(*Order.*)

Let a Writ of Error issue as prayed for.

(Signed) THOMAS SLIDELL,
Chief Justice of Louisiana.

June 5, 1855.

(*Endorsed.*)

EVARISTE BLANC, App'ee,
vs.
TÉRENCE COUSIN, App't. } 3439. Supreme Court.

Petition for a Writ of Error. Supreme Court, E. D.
Filed June 5th, 1855.

(Signed) LOUIS R. COURTIN,
D'y Cl'k.

(*Bond for a Writ of Error.*)

Know all men by these presents that we, Térence Cousin as principal and Leon Fazende as security are held and firmly bound unto the legal representatives of Evariste Blanc deceased, to wit; Fanny Labatut, widow in community of said Evariste, usufructuary of his Estate and Executrix under the will, and the following issue of her marriage with said Blanc, to wit; 1o. Jules A. Blanc, Co-Executor; 2o. James A. Blanc; 3o. Jean Louis Evariste Blanc; 4o. Pierre Evariste Laurans, legitimate only son of Delphine Blanc, wife of Wm. Laurans predeceased daughter of said Evariste Blanc; 5o. Elma Blanc, wife of Robert G. Musgrove; Sylvanie Blanc wife of James D. Denegre; and also unto Catharine Millon widow of F. Alpuente; F. R. Alpu-

ente; Amédée Alpuente; Catherine I. Alpuente, widow of Felix de Armas; Coralie Alpuente, wife of J. B. Dolhonde, Mathilde Alpuente the wife of R. de Armas; Bazile Beauregard, administrator of the property of his minor children, viz.; Joseph Toutant Beauregard, Victor B. Beauregard, Rodolphe B. Beauregard, Emile Beauregard, Marie Elodie Beauregard, Rosalie Beauregard and Emilie Beauregard; Joseph Soniat Dufossat and the Testamentary Executors of Charles Favre Daunoy who has died since the decision of this suit, leaving a will appointing W. A. Nott, and George W. Nott, Testamentary Executors who have been duly qualified and sworn as such, in the full and just sum of two hundred dollars to be paid to the said legal representatives of the late Evariste Blanc their certain Attorney, Executors, Administrators or Assigns, to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals, and dated this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and fifty-five.

Whereas, lately in the Supreme Court of the State of Louisiana for the Eastern District, in a suit depending in said Court, between Térence Cousin, appellant, and Evariste Blanc, Appellee. Judgment was rendered against the said Térence Cousin, appellant, and the said appellant having obtained a writ of error, and filed a copy thereof in the Clerk's office of the said Supreme Court, to reverse the Judgment rendered in the aforesaid suit, and a citation directed to the said legal representatives of the said Evariste Blanc, deceased, citing and admonishing to be and appear at a Supreme Court of the United States, to be holden at Washington, the first Monday of December next.

Now the condition of the above obligation is such, that if the said Térence Cousin shall prosecute his writ of error to effect, and answer all damages and costs, if he fails to make his plea good, then the above obligation to be void, else to remain in full force and virtue.

(Signed) *P'r Pro.* TERENCE COUSIN.

Signed, sealed and delivered, in presence of

LOUIS JANIN, *Att'y.* [SEAL.]
LEON FAZENDE, [SEAL.]

Approved, (Signed) THOMAS SLIDELL,
Chief Justice of Supreme Court of Louisiana.

(*Endorsed.*)

EVARISTE BLANC, App'ee,
vs.
TÉRENCE COUSIN, App't,
3439. Supreme Court

Bond for a Writ of Error. Supreme Court, E. D.
Filed June 5th, 1855.
(Signed) LOUIS R. COURTIN,
D'y Cl'k.

(*Translation No.* 1. *Vide page* 5.)

I, Carlos Trudeau, Royal and Civil Surveyor, &c., certify that I have surveyed, measured and bounded for and in presence of Don Gabriel Dubertran, a tract of land of forty arpents front on the Bayou Liberty, with all the depth that could be found up to the Bayou Paquet, which said tract contains an aggregate of twelve hundred and forty superficial arpents, measured with the perch of the city of Paris, of eighteen feet, measure of said city, according to the agrerian customs of this province; said tract is situated on the other side of the Lake Pontchartrain, on the Bayou, commonly called Bonfouca, distant about three miles north from the said Lake, bounded on the North, South and West by the Bayous Liberty and Paquet, and on the East by vacant lands of the domain of his Majesty, the whole more fully shown on the above plan, on which are marked the direction and dimensions of the Eastern boundary, according to the

of the compass, no attention being paid to its variation, which declines eight and a half degrees to the northeast, and on which are moreover represented the natural limits, &c. The survey is made by virtue of a decree from his Excellency Juan Ventura Morales, under date of the 13th September instant.

In testimony whereof, I grant the present certificate with the preceding figurative plan, this 22nd day of September, 1803.

(Signed) CARLOS TRUDEAU,
Surveyor.

(*Translation No.* 2. *Vide page* 6.)

In the city of New Orleans, in the State of Louisiana, this fourth day of March, one thousand eight hundred and forty-four, and the sixty-eighth year of the independence of the United States of America; before me, Charles Bondousquié, Notary Public, duly commissioned and sworn in and for this city and the Parish of Orleans, therein residing, and in presence of the undersigned witnesses, personally appeared; Mistress Catherine Millon, widow of the late François Alpuente domiciliated in this city, herein acting in her capacity of Testamentary Executrix of her said deceased husband, who declared that on the 19th September last, by virtue of on order from the Honorable the Court of Probates, in and for this city and the Parish of Orleans, rendered on the 16th of August last, and after the publications and advertisements required by law had been made, Joseph Le Carpentur, Public Auctioneer in this city, proceeded at 12 o'clock M., at the City Exchange, St. Louis street, between Chartres and Royal streets, to sell at Public Auction, to the highest and last bidder, on the terms and conditions hereinafter expressed, certain property belonging to the succession of said François Alpuente, deceased, as will more fully appear from the proces-verbal of sale of the said Auctioneer, annexed for reference to an act in this office, under date of the 27th December last past; that among the property sold, two

tracts of land situated on the other side of the Lake Pontchartrain, were adjudicated to Mr. Evariste Blanc for the sum of two hundred and sixty-four $\frac{57}{100}$ dollars, payable one-tenth cash, and the balance at one, two and three years' credit, in notes satisfactorily endorsed and secured by mortgage until final payment, Wherefore the said appearer in her said capacity, being desirous that the said purchaser should have a legal title to the property so purchased, has by these presents granted, sold and set over from the date of the said public sale and forever, with all the guarantee of law, unto Mr. Evariste Blanc, residing in the Parish of Orleans, in this State, here present and accepting for himself, his heirs and assigns, two tracts of land situated on the other side of the Lake Pontchartrain, in the Parish of St. Tammany, between the Bayous Lacombe and Bonfouca, designated by the Nos. *One* and *Two* in the section No. Nine South Range, Thirteen East, containing two hundred and twenty-two $\frac{80}{100}$ acres, which said lands are bounded, North, by public land; Northeast, by lands heretofore belonging to Mrs. Judiss, supposed now to be the property of Isadore Galatas; East, by lands belonging to Térence Cousin; Southeast, by lands formerly belonging to François Cousin, but now supposed to belong to the heirs of Louis Donet, and South-west, by land heretofore belonging to Leon Millon, but now supposed to belong to Térence and Anatole Cousin, the whole agreeably to a duly certified copy of the plan of Township Nine, South of Range 13 East, deposited in the Land office at Greensburg, which copy is annexed to an act in this office, under date of the 27th December last; which tracts of land belonged to the said François Alpuente, deceased, as will appear from a receipt from the Receiver of Public Lands for the Parish of St. Helena, in this State, designated by the No. 1280, and hereto annexed for reference. According to a certificate of the Judge ex-officio, Recorder of Mortgages for the Parish of St. Tammany, under date of the fifth of June last and annexed to an act in this office under date of —— ——— last past, it appears that there is no mortgage standing in the name of the said deceased François Alpuente on the property now sold. This sale, agreeably to the public one above recited, is made at the rate of nine and a half cents per acre, making the sum of two hundred and sixty-four $\frac{57}{100}$ dollars, payable as aforesaid.

Therefore the said appearer has presently paid cash in sound and current money, in presence of the undersigned notary and witnesses unto the said Mrs. Widow Alpuente in her capacity, who hereby acknowledges the receipt thereof the sum of twenty-six dollars forty-five 7–20 cents, and for the balance, amounting to the sum of two hundred and thirty-eight dollars, eleven 3–20 cents, the said purchaser has presently delivered three promissory notes, under date of the 19th September last, for the sum of seventy-nine $39\frac{1}{3}$–100 dollars each, subscribed by him, to the order of and endorsed by Mr. Jules A. Blanc, and payable at the domicile of the bank of Louisiana, at one, two and three years from date, which notes after having been paraphed McVarietur and signed by the undersigned Notary, to identify them with this presents,

have been delivered to the said Widow Alpuente in her said capacity, who acknowledges the same. And in order to secure the faithful payment of the three notes before described, and of the eventual interest at the rate of ten per cent. per annum, in case of non-payment at maturity, the said purchaser does hereby grant a Mortgage and privilege in favor of the succession of the said deceased François Alpuente, or of any holder or h olders of the said notes, on the property now sold.

In consideration whereof the said Mrs. Widow Alpuente in her said capacity does convey, transfer and set over, unto the said purchaser, his heirs and assigns, all the rights, titles and interests, which the succession of the said François Alpuente, deceased, had in and to the tracts of land herein sold, so that the said purchaser, who hereby acknowledges himself in possession thereof may enjoy and dispose of the same as his own property by virtue of these presents.

Thus done and passed at New Orleans, in the office, the day, month and year above written, in presence of Victor Demoraelle and Armand Durel; competent witnesses who have hereunto signed with the appearers and me Notary after reading the whole.

(Original Signed)— EVARISTE BLANC,
WOW. FRANÇOIS ALPUENTE,
A. DUREL,
V. DEMORUELLE;
CHARLES BOUDOUSQUIE,
Not. Pub.

A true Copy from the Original.
NEW ORLEANS, March 5, '44.
(Signed) CH'S BOUDOUSQUIE,
Not. Pub.

(*Translation No.* 3. *Vide page* 38.)

STATE OF LOUISIANA, New Orleans.

In the City of New Orleans, in the State of Louisiana, this 30th September, 1836, and in the 61st year of the Independence of the United States of America, Before me Felix Grima, Notary Public duly commissioned and sworn in and for the City and Parish of New Orleans, therein residing, and in presence of the witnesses hereinafter named and undersigned, personally came and appeared Messrs. Joseph Soniat Dufossat residing in the Parish of Jefferson, in this State, and Bazile Beauregard, residing in this city, the latter herein acting as administrator of the property of his minor children, named Joseph Toutant Beauregard, Victor Bazile Beauregard, Rodolphe Bazile Bearegard, Emily Beauregard, Marie Elodie Beauregard, Rosalie Beauregard and Emilie Beauregard; which said appearers declared that pursuant to a Judgment from the Hon'ble the Court of Probertes in and for the City and Parish of New Orleans, rendered the 12th March, 1835, on the action for a partition instituted by the late

Joseph Dufossat Soniat, (of whom the said Joseph Soniat Dufossat is the sole heir, as will be hereafter shown,) against the said Bazile Beauregard in his aforesaid capacity, and in conformity with the deliberations of a Family meeting of the said minors, held in the office of the undersigned Notary, on the 14th February, 1835, duly homologated, they caused to be exposed at Public sale, after the legal publication and advertisements, through Messrs. T. Mossy & Garridel, public auctioneers in this City, on the 20th July last past, at the Hewlett Exchange, the property hereafter described, at which sale the same was adjudicated to Mr. Evariste Blanc of this City, he being the last and highest bidder, for the sum of Eight thousand four hundred dollars, payable at one, two and three years' credit, in notes satisfactorily endorsed, and bearing Mortgage until final payment, as will more fully appear from the proces-verbal of sale, and adjudication of the said auctioneers hereunto annexed for reference. Now the said appearers in their respective capacity, wishing to give the said purchaser an authentic title, did declare that they do by these presents sell, convey and set over with all the warranty of law, unto the said Evariste Blanc, residing also in this City, here present and accepting purchaser for himself, his heirs or assigns, a lot of ground on the other side of the Lake Pontchartrain, in the Parish of St. Tammany, in this State, between the Bayous Liberty and Paquet, containing a superficies of about six hundred and ninety-three arpents, sixty-eight rods (or perches) and two hundred and thirty-eight feet, or more if there be any, the whole agreeably to a plan drawn by Allen D' Hemecourt, Deputy Surveyor of this City, on the 6th December, 1834, and such as the said land now stands without any reservation, with the exception of the buildings and improvements thereon, which were to be taken away within the sixty days after the said adjudication. This land belongs to the said Minors Beauregard and to the said Joseph Soniat Dufossat, in undivided halves, in the following manner, to wit: to the said minors Beauregard by virtue of the donation, which Mr. Nicholas Girod made to them of one-half of the said land, by act passed before Hugues Pedesclaux, Notary in this City, under date of the 10th May, 1831; and to the said Joseph Soniat Dufossat, in his capacity of heir of his said deceased father Joseph Dufossat Soniat, and as having been put in possession thereof in his said capacity of sole testementary heir of his said deceased father by virtue of a decree of the Hon'ble the Court of Probates of the said Parish of St. Tammany, under date of the 13th May last past, a certified copy whereof is hereto annexed for reference; and the said one undivided half of said land was the property of the said Joseph Soniat Dufossat by the purchase he made thereof from Mr. C. F. Daunoy, by Act passed before Hugues Pedesclaux, Notary Public, on the eighth day of June, 183?.

This sale is made and accepted for and in consideration of the said sum of eight thousand four hundred dollars in payment whereof the said purchaser has produced and furnished six notes for the sum of

fourteen hundred dollars each, by him subscribed on the 20th July last, date of the said adjudication to the order of and endorsed by Messrs. F. Henry and Lourens, and payable respectively two at one year, two at two years, and two at three years from their date, which notes after having been paraphed nevarietur by the undersigned notary in order to identify them with this act, were delivered to the vendors in their said capacity, who acknowledge receipt thereof.

And in order to secure the faithful payment of the said notes, the property now sold remains mortgaged, the said purchaser binding himself not to sell nor alienate the said property to the prejudice of this act. In consideration whereof the vendors in their said capacity, do cede and transfer unto the said purchaser, all the rights of property, and warranty and others which they now have or can have on the said land, to the end that the purchaser who acknowledges himself in due possession, may enjoy, do and dispose of the same as his own property by virtue of these presents. It appears from a certificate of the Judge ex officio, Recorder of mortgages for the said Parish of St. Tammany, under date of the 27th September, instant, that there is no mortgage standing on the said land, in the names of either the said Joseph Soniat Dufossat or the minors Beauregard.

At this moment the said Mr. Joseph Soniat Dufossat withdrew, after having previously declared that he authorized as he does hereby authorize Celestine Génois, here present, to renounce in this act, all her rights, whether dotal, matrimonial, paraphernal and other rights on the property now sold. And the said Joseph Soniat Dufossat having thus withdrawn, the undersigned notary read the foregoing to the said Mrs. Celestine Génois, wife of the said Joseph Soniat Dufossat, after hearing which, she declaree, outof the presence of her husband to consent to and approve of the same.

And the said Celestine Génois having moreover declared that *that* she wished to renounce to all her rights dotal, matrimonial, paraphernal, and other rights, and to all privileges and mortgages which she might have on the property, object of these presents, the undersigned notary informed her that before receiving her signature to these presents, it was his duty to *to* apprise her of the nature of her rights and o the consequences of her renunciation; whereupon the said notary informed her that the laws of this State of Louisiana grant to a married woman a general and tacit mortgage on the property of her husband and also on that of the community: 1o. For the restitution of her dowry or the replacing of the dotal property which she brought in marriage, and this, to date from the celebration of the said marriage. 2o. For the restitution or replacing of the dotal property she acquired during her marriage, either by succession or donation, and this from the day the succession was opened in her favor, or the donation was effected. 3o. For the indemnification of the debts to which she bound herself jointly with her husband, as well as for the replacing of her paraphernal property alienated. 4o. For security of the obligations imposed upon her husband when he has had the use of her par-

aphernal property or for returning the price of her paraphernal property has been alienated by her, and her husband has received the amount of the said property thus alienated or otherwise disposed of the same for his individual interests.

And lastly that in renouncing to the rights above mentioned, she deprives herself irrevocably of the right to claim them back either by herself or by any other person.

And the said Joseph Soniat Dufossat being now present for the purpose of signing this act, she, the said Mrs. Celestine Génois, his wife, declared herself fully informed of the rights secured to her by law on the property of her husband and that of the community, and that she nevertheless persists in her intention here above expressed, and that of her own free will and accord, she formally renounces by these presents, in favor of the said Evariste Blanc, his heirs or assigns, all her rights, whether dotal, matrimonial, paraphernal or any other rights, all mortgages recorded, legal or tacit, and all the privileges and other rights secured to her by the laws of this State on the property hereby sold, and that she abandons and relinquishes the same in favor of the said Evariste Blanc, his heirs or assigns, of whatever kind or nature the said rights may be on the property hereby sold.

Done and passed in my office, at New Orleans, the day, month, and year above written, in presence of Messrs. Theodore Guyal and Gustave D'Hebecourt, competent witnesses, who have signed with the parties and me notary, after reading the whole.

(Signed) EVARISTE BLANC,
JOSEPH SONIAT DUFOSSAT,
B. BEAUREGARD, *In his capacity*,
CELESTINE SONIAT,
THEO. GUYOL,
G. D'HEBECOURT,
F. GRIMA,
Not. Pub.

(*A true copy from the Original on file in my Office.*)

In faith whereof I have hereunto signed my name, and affixed the seal of my office at New Orleans, this 3d of November, 1836.

[SEAL] (Signed) F. GRIMA,
Not. Pub.

"Sale of land—minors Beauregard and J. S. Dufossat to Evariste Blanc."

(*Translation No.* 4. *Vide page* 42.)

In the city of New Orleans, this 8th June, 1832, and in the 56th year of the Independence of the United States of America, Before me Hugues Pedesclaux, Notary Public, duly commissioned in and for

the city and parish of New Orleans, therein residing, and in presence of the witnesses hereafter named and undersigned. Personally came and appeared Mr. Charles Favre Daunoy, residing in this city who does by these presents sell, cede and transfer, without any other warranty than those resulting from his own personal acts, unto Mr. Joseph Soniat Dufossat, Senior, also residing in this city, here present and accepting purchaser for himself, his heirs and assigns, the undivided half of a certain tract of land, situated in the Parish of St. Tammany in this State, between the Bayous Liberty and Paquet, containing twelve hundred snperficial arpents (more or less), together with the appurtenances thereunto belonging without exception or reserve, the purchaser declaring himself satisfied and renouncing to the right of exacting a diminution of the price in case of difference in the measurement, whatever might be such difference; the said undivided half or moiety of land belongs to the said Mr. Daunoy by virtue of a donation made to him of the same by Mr. Nicolas Girod, per act passed in this office on the 18th May, 1831. The other undivided half belongs to the minor children of B. Beauregard by virtue of the above recited act.

This sale is made for and in consideration of the sum of twelve hundred and sixty dollars for which the purchaser has furnished to the vendor who hereby acknowledges the same, two notes subscribed by the purchaser under date of the present month, to the order of and endorsed by Mr. Joseph Soniat Dufossat, the first for the sum of six hundred and sixty dollars payable in one year, and the other for the sum of six hundred dollars, payable in two years. The vendor renounces all rights of mortgage and privilege resulting from the presents in his favor on the undivided half of land aforesaid.

In consideration whereof the vendor cedes and tranafers to the purchaser all the rights of property, warranty and other, which he has or may have on the undivided half of the said land hereby sold, subrogating the purchaser to all his said rights, for him the said purchaser to enjoy, use and dispose of the same, as his own property by virtue of these presents.

The vendor being requested by the undersigned Notary to produce a certificate of the Recorder of mortgages for the Parish of St. Tammany, showing the mortgages which may be recorded against him, bound himself to furnish within fifteen days a certificate from the said mortgage office, showing that there are no mortgage recorded against him on the said undivided half of land, of which promise the purchaser declares himself satisfied and releases the undersigned Notary from all responsibility on the subject.

And to these presents personally came and intervened Mrs. Mathilde de Ferriet, wife of the said Daunoy, and by him duly authorized and assisted for the validity of these presents, who after having heard the reading of the above act, declared that she approved the same with all its contents, and further declared to the undersigned Notary that it is her intention to renounce all mortgages, privileges and other

rights which she has or may have, in and to the aforementioned undivided half of land. Whereupon the said Notary informed her that by the laws of this state, the wife has a tacit mortgage on the unimproved property of her husband and on that of the community existing between them:

1o. For the restitution of her dowry or the replacing of the dotal property which she brought in marriage, from the celebration of the said marriage.

2o. For the restitution or replacing of the dotal property which she acquired during her marriage either by succession or donation, and this from the date the donation had its effect.

3o. For the indemnification of the debts to which she bound herself jointly with her husband, as well as for the replacing of her paraphernal property alienated.

4o. And for the obligations imposed upon her husband, when he has had the use of her paraphernal property, or for returning the price if her paraphernal property has been alienatad by her, and her husband has received the amount of the said property thus alienated or otherwise disposed of the same for his individual interest.

And the said Mrs. Daunoy declaring herself to be fully informed of the rights secured to her by law on the property of her husband and on that of the community existing between them, avers that she nevertheless persists in the intention above declared, and that, of her own free will and accord, she formally renounces by these presents as well in her own name as in that of her heirs and assigns, all mortgages recorded, legal or tacit secured to her by law on the undivided half of the land hereby sold, whether these rights are acquired on account of her dowry or of her paraphernal property, and that she cedes and transfers to the purchaser, his heirs and assigns, all the said rights of whatever kind or nature they may be, hereby subrogating the said purchaser in her place and stead by virtue hereof, the whole of which is accepted by the purchaser.

Done and passed at New Orleans, in the office, on the day, month, and year above written, in presence of Messrs. Felix Percy and Auguste Lafon, competent witnesses, who have signed with the appearers and the Notary, after reading the whole.

(Signed) CHARLES F. DAUNOY.
MATHILDE DAUNOY.
I. S. DUFOSSAT.
FELIX PERCY.
ATE. LAFON.
H. PEDESCLAUX.
N. P.

I, Paul Emile Larèche, Notary Public, duly commissioned and sworn in and for the Parish of Orleans, and successor in office to the said Hugues Pedesclaux, certify the foregoing to be a true copy from the original on file among the notorial archives of the said Pedesclaux.

In faith whereof I have hereunto set my hand and affixed my notarial seal, at New-Orleans, on this 21st day of March, A. D. 1851.

(Signed) LARESCHE.
Not. Pub.

(*Endorsed.*)

Sale of one undivided half of land from Chas. F. Daunoy to Joseph Sonait Dufossat, Senior.

(*Translation No. 5. Vide page* 44.)

Before me, Hugues Pedesclaux, Notary Public in and for the City and Parish of New Orleans, State of Louisiana, and in presence of the undersigned witnesses, personally came and appeared Mr. Nicholas Girod, residing in this city, who declared that he does by these presents give under the title of a donation purely and simply inter vivos, and for ever irrevocable, unto Charles Favre Daunoy, here present and accepting, the one undivided half, and unto Joseph Toutant Beauregard, Victor Bazile Beauregard, Rodolphe Bazile Beauregard, Emile Beauregard, Marie Elodie Beauregard, Bazilice Beauregard, and Emilie Beauregard, legitimate minor children of Bazile Beauregard, the other undivided half of a tract of land situated on the other side of the lake Pontchartrain, in the Parish of St. Tammany, in this State, between the Bayous Liberty and Paquet, containing twelve hundred superficial arpents, more or less, together with all the dependencies, rights, and privileges thereunto belonging; which said tract of land is appraised at the sum of three thousand dollars, and belongs to Mr. Girod by virtue of the purchase he made thereof from the succession of the late Manuel Toledano, by act passed before Charles de Grandpré, Colonel in the Royal Army, and Governor, Civil and Military, of the City and District of Baton Rouge, under date of the 31st March, 1808. The said Bazile Beauregard, residing in this city and being here present, declares that he does hereby accept the present donation, for and in the name of his minor children.

In consideration of the foregoing donation, the said Nicholas Girod does by these presents cede and transfer unto the said Donees, all the rights of property which he has or may have in and to the tract of land hereabove described, in order that they, the said Donees, may use, enjoy, and dispose of the same, from this moment and for ever as their own property by virtue of these presents.

Thus done and passed in the office, at the City of New Orleans, on this 18th day of May, 1831, and in the 55th year of the Independence of the United States of America, in presence of Messrs. Vincent Ra-

mos and Maurice Hermann, witnesses who have signed with the parties and me, notary.

(Signed) N. GIROD.
CHAS. F DAUNOY.
B. BEAUREGARD.
MAURICE HERMANN.
VINCENT RAMOS.
H. PEDESCLAUX.
Not. Pub.

(*Translation No.* 6. *Vide page* 46.)

Be it known by these presents that I, Francisco Herault, a resident of this Jurisdiction, attorney in fact of Don Custaquis Fremont and of Mrs. Margarita Blount, by virtue of a power of attorney which they conferred to me before Pedro Pedesclaux, in New Orleans, on the 22d February, 1808, do covenant that in their names, I do really and truly sell unto Nicolas Girod, a tract of land near the Lakes, in this Jurisdiction, composed of twelve hundred and forty superficial arpents, between two Bayous named Liberty and Paquet, which tract of land was purchased from Mr. Gabriel Dubertran by the late Manuel Toledano, deceased husband of my constituent, the said Mrs. Margarita Blount, per act passed before Mareiso Broutin, Notary Public, of New Orleans, and I do sell the same free from all liens and mortgages, for the price and sum of five hundred dollars, payable in the following manner: two hundred and fifty dollars cash, which was received by my constituents, and the remaining two hundred and fifty dollars payable on the 20th July, of the present year. In consideration whereof I hereby abandon, renounce, and transfer unto the said Nicolas Girod, all the right of property, possession, power of use, dominion, &c., which my said constituents had and held in and to the said tract of land, to the end that he may possess, sell, transfer, or alienate the same as his own property by virtue of these presents, which in my capacity I grant in his favor in the form of real delivery, by which he is proved to have acquired the possession without need of any further proof, of which I relieve him; and I bind myself to the eviction and security of this sale with the property and effects, present and future, of my said constituents, and acknowledge as being included the clause of warranty, and renounce all laws in my favor.

And Mr. Pedro Louis Nevill, attorney in fact of Nicolas Girod, by virtue of a power of attorney which he has produced, passed before John Lynd, Notary Public in New Orleans, on the 21st instant, being present at the execution and delivery of these presents, accepts the same in behalf of his constituent, and binds himself to the punctual payment of the said two hundred and fifty dollars, when the same shall become due, with the property and effects of his constituent, acknowledging due delivery of said land.

In witness whereof this act is passed at Baton Rouge, on the 31st

March, 1803. I, Carlos De Grandpre, Colonel in the army of the king, and Civil and Military Governor of the aforesaid town and its District, certify that I know the parties who thus declared, and have hereunto signed in the presence of Lieutenant Thomas Esteban and John Baptist Hedesenquien, witnesses. The words "with the property of my constituent," interlined approved.

FR. HERAULT.
PEDRO LOUIS MAILL.
CARLOS DE GRANDPRE.
THOMAS ESTEVAN.

(*Endosred.*)

Sale of land from Franco. Herault to Nicolas Girod.

(*Translation No.* 7. *Vide page* 47.)

Be it known that we, Custaguro Fremont, Margarita Blount, widow of the late Manuel Toledano, deceased, joint Testamentary Executors and administrators of the property of the said deceased, and Nicolas Girod, a resident and merchant of this city, purchaser of the said property, do declare that we hereby give and grant unto Francisco Herault, a resident of Baton Rouge, all the power and authority required by law, and which may be necessary for him, acting in our name and representing us, and our rights and interests, to pass an act of sale in favor of the said Nicolas Girod, of a plantation situated in the said District of Baton Rouge, agreeably to the titles and plan of the said plantation, for the price of five hundred dollars, payable one half cash, and the other half at six months, to date from the 20th January inst; and declaring to have received for us the sum of two hundred and fifty dollars; and for the purpose of carrying out the renunciation which corresponds for all the above, with the circumstances and consequences which may occur, I deliver them this power of attorney, with all the ample, full, free, and general administration, with authority to answer for, swear, substitute, revoke substitutes, and appoint others with regular discharge; and we bind ourselves and property in due form of law, to recognize and maintain all his acts as such.

In testimony whereof this act is dated in this city of New Orleans, this 22d day of February, 1808, and the 32d year of the American Independence. I the notary, certify that I know the parties who have hereunto signed with Joaquin Lozano and John Baptiste Ramirez, residents and witnesses present.

FEMME FREMONT,
C. FREMONT,
N. GIROD.
JOAQN. LOZANO,
JN. BTA. RAMIREZ,
PEDRO PEDESCLAUX,
Notary.

(*Translation No.* 8. *Vide page* 48.)

Be it known by these presents, that I, Gabriel Dubertran, resident of this city, do hereby really and truly sell unto Manuel Toledano, of the same city, a tract of land and plantation situate on the other side of the Lake Pontchartrain, containing twelve hundred and forty arpents, between the Bayous named Liberty and Paquet, together with all the buildings and improvements thereon, and all the cattle, horses, and sheep now on the premises, and branded with the letters G. D. Also a lot and a half of ground situate on the Bayou St. John road; twelve slaves named, Babe, aged about twenty years; Noel, aged thirty-five; Emperan, thirty; Carlos, forty-five; Bastian, three; Santiago, seven; Felicity, a mulatto girl, aged eighteen years, with her two sons, Pedro, of three years, and Alexander, of six months; Maria, a negro girl, of four years, and Carlota, aged nine years. A schooner of forty-five tons, with all its sails, riggings, and apparels. A piroque and a flat boat, and all the utensils belonging to the said plantation, all of which I hereby sell unto the aforesaid Manuel Toledano, with all its rights, claims, ways, privileges, and appurtenances, free from all liens and mortgages, for the price and sum of fourteen thousand dollars, Mexican coin, which have been paid to me in cash, the receipt whereof I hereby acknowledge, although not exhibited at the execution of these presents, and I do renounce the exception of non numerata pecunia, and grant a receipt in full.

In consideration whereof, I abandon all right of property, possession, power of use and dominion which I had, and may have, in and to the said plantation, lot and a half of ground, slaves, schooner, piroque, flat boat, cattle, &c., and I do convey, renounce, and transfer the whole unto the said purchaser, his heirs and assigns, to the end that he may enjoy, possess, sell, or alienate the same as his own property, by virtue of this act which I grant in his favor in sign of a real delivery, by which he is proved to have acquired possession, without need of any further proof, whereof I relieve him, and hereby bind myself to the eviction and security of this sale in due form of law, out of my property and effects, present and future.

And I, the said Manuel Toledano, being present at the execution of this act, do hereby accept the same, and acknowledge delivery and possession of the said plantation, lot and a half of ground, slaves, schooner, cattle, &c., in the quantity and under the description herein sold, and grant a formal receipt therefore.

In faith whereof, this act is passed at the city of New Orleans, on this 21st day of November, 1804, and in the twenty-ninth year of the American Independence, in the presence of Francisco Marshall and Antonio Fromantin, witnesses present, who have signed with the purchaser, and the vendor not knowing how to write, Raimondo Guillesupan signed at his request. In testimony whereof, I, Narciso Broutin, Notary Public of the United States of America, in this city of New

Orleans, have hereunto set my hand and affixed my seal of office the day, month, and year aforesaid.

(Signed) RAIMONDO GUILLESPAN,
MANUEL TOLEDANO,
ANTONIO FROMANTIN,
FRANCISCO MARSHALL,
NARCISSE BROUTIN,
Notary Public.

(*Translation No.* 9. *Vide page* 51.)

Names of grantees.	Order of mem. in ref. to it	District.	Arpents.
Dubertran Gabriel.	No. 570.	Bonfouca.	1240.

"Index of No. 4. Lands conceded and distributed from the year 1801, to that of 1805 inclusive."

Septo.—57. To Dn. Gabriel Dubertran, whose place of birth is unknown, but who was an old resident of the Province, a tract of land of twelve hundred and forty arpents, between the Bayous Liberty and Paquet, branches of the Bayou Bonfouca, to the northward of the Lake Pontchartrain, whose survey is made in conformity to a decree of the general intendence, dated 13th September, 1803, which is certified by the Surveyor General, with the figurative plan on the 22d of the same month and year, in which he omitted to place the nnmber, but which corresponds with the No. 1627. 1240.

(*Grants of Lands in Western Florida.*)

Report second, which embraces the donations made within the five years from 1801 to 1805, at which date the administration was transferred to Pensacola, and in which is observed the order of the dates under which the certificates were delivered by the Surveyor General, my predecessor, and by me as second Surveyor of said provinces, up to the last mentioned date on which I succeeded him.

(*Translation No.* 10. *Vide page* 52.)

Before me Michael de Armas, Notary Public in New Orleans, State of Louisiana, United States of America, and in presence of the witnesses hereinafter named and undersigned, personally came and appeared Mr. Térence Carrierè, a planter domiciliated in the Parish of St. Tammany, in this State, but now in this city, the said Carrierè herein acting in his capacity of Testamentary Executor of the late François Cousin, who resided in his lifetime in the said Parish of St. Tammany; and agreeably to the sale which he caused to be made on the third inst. by Messrs Dutillet and Sagory, public auctioneers in this city, after advertisements published in English and French in several news-

papers printed in this city, declared that he does sell, convey and transfer from this moment and for ever, with promise of warranty on the part of the heirs, from all troubles, mortgages, eviction, and every and all impediments whatsoever, and moreover, as regard the slaves, from all the vices and maladies provided by law, unto Mr. François Cousin, the son, a farmer residing on the said Parish of St. Tammany* on the Bayou Lacombe, about six miles distant from its mouth, and measuring about forty arpents front by about eighty arpents in depth together with all the buildings and improvements thereon, such as the same now stands without any exception or reservation, the vendor does not mean to warrant the extent of said plantation, so that, if it should appear from the title papers and documents relating to the same, that it contains more land than is herein expressed, it shall be for the benefit of the purchaser, and his own loss, if the contrary.

2o. Another plantation situate in the same Parish of St. Tammany on the Bayou Bonfouca, at about four miles from its mouth, which according to the titles should have about forty arpents front by forty in depth, but the adjoining neighbours having already settled on their land, when this plantation was conceded, it now only has a front of of about twenty arpents, which circumstance entitles the purchaser to claim in depth what is wanted in the front, the said plantation sold such as it now stands, together with the said right to claim an increase of depth; the vendor not meaning however to bind the heirs of the said François Cousin the father, to warrant in any manner the said right; together with all the buildings and improvements thereon, without any exception or reservation.

3o. The brick stores and other improvements standing on a certain lot of ground measuring forty feet front on the Basin Carondelet; forty feet front on Ramparts street, and one hundred and twenty feet between each front, said piece of ground formed by the junction of four lots, Nos. three, four, twenty-nine and thirty, sold by the navigation company in consideration of an annual and perpetual rent of six per cent. on the principal, viz: for the lot No. three, two thousand eight hundred dollars, for the lot No. four, two thousand four hundred and fifty dollars, for the No. twenty-nine, three thousand seven hundred and fifty dollars, and for the No. thirty, three thousand five hundred dollars, the said rent redeemable by the purchaser, with regard to each lot, by the payment of the principal which cannot be less than one fourth of the price for which each lot was originally sold by the navigation company as will appear from the act passed before the undersigned Notary on the first instant, by the Syndics of Dominique Rocquette in favor of the said Térence Carrierè in his said capacity of Testamentary Executor, the said rent shall begin to run for the account of the said François Cousin Junior, from the day

* Now in this city, and here present and accepting for himself, his heirs and assigns. 1o. A plantation situated in the said Parish of St. Tammany. (*This reference approved*)

of the said public sale, the said lots together with the buildings thereon remaining mortgaged in favor of the said navigation company, as well for the security of the exact performance of the sale above expressed, as for that of the principal of the price for which each of the said lots was adjudicated, the said François Cousin, Junior, acknowledging himself well acquainted with all the clauses, charges and conditions to which are bound the owners of the said lots towards the said company, and hereby accepts the said conditions and binds himself thereby so far as relates to the aforesaid four lots of ground, in the same manner as if he had acquired them directly from the said company.

4o. A new schooner, called the Céleste, with all its rigging, tackle, and apparel, and a pirogue.

5o. And finally thirteen slaves named: Lafortune, a negro aged about fifty years, Apollo, a negro aged about twenty-five years, Pluto, a negro aged about fifty years, Cupid, a negro, aged about fifty years, Tall Peter, a negro aged about fifty years, afflicted with a hernia, and a sore leg, Antonio, a negro of about fifty years, limping, Alexander, a negro aged about thirty-three years, Valentin, mulatto of about twenty-three years, Jim or James, negro aged about twenty-five years, Tom, negro of about twenty-five years, Louis, *alias* Cart, aged about twenty-five years, and Friday, aged about forty-eight years, to the end that the said purchaser may enjoy, do and dispose of the said plantations, schooner, and stores, as his own property by virtue of these presents.

This sale is made for and in consideration of the different sums for which the objects above described were respectively adjudicated to the said purchaser at the aforementioned public sale, to wit:

The plantation on Bayou Lacombe, for - - -	$2,000
The plantation on Bonfouca for - - - - -	1,400
The stores and buildings on the lot on the Basin for -	600
	$4,000
The Schooner and Piroque for - - - - -	470
Lafortune, " - - - - -	500
Apollo, " - - - - -	900
Pluto, " - - - - -	700
Cupid and Mary, " - - - - -	750
Tall Peter, " - - - - -	220
Anthony, " - - - - -	700
Alexander, " - - - - -	1,500
Valentine, " - - - - -	1,700
James or Jim, " - - - - -	1,610
Tom, " - - - - -	1,510
Louis, alias Tumbril, " - - - - -	2,200
And Friday, " - - - - -	700
Which said Schooner and Slaves amount to the sum of thirteen thousand four hundred and sixty dollars,	$13,460

Agreeably to the terms of sale, the purchaser has paid cash to the said vendor who acknowledges the receipt thereof and renounces to the law non numerata pecunia, the third part of the said sum of thirteen thousand four hundred and sixty dollars, which said third part forms the sum of four thousand eighty-six $\frac{66}{100}$ dollars; and for the two other thirds of the said sum together with that of four thousand dollars above mentioned, forming together the sum of twelve thousand nine hundred and seventy-three $\frac{33}{100}$ dollars, the said purchaser agreeably to the conditions of the aforesaid sale, does hereby promise and binds himself to pay in the manner following, to wit: One half in one year, and one half in two years from the date of the said public sale. Wherefore the purchaser has furnished to the vendor, who hereby acknowledge the receipt thereof, and grants acquittance therefor, two promissory notes by him subscribed under the date of the 3d February, instant, date of the said public sale, each for the sum of six thousand four hundred and eighty-six $\frac{66}{100}$ dollars, to the order of and endorsed by Antoine René, the son, one payable at one year's date and the other at two years' date, which said two notes have been paraphed ne varietur, by the undersigned notary, to identify them with these presents; and to secure the punctual payment of each of the said two promissory notes at their respective maturity, the purchaser consents and agrees that the said plantations, stores, schooner, and slaves herein sold be and the same are hereby specially mortgaged and hypothecated.

By reference to the certificate of the Recorder of mortgages in this city, under the date of the seventh instant, it appears that the property herein sold are not subject to any mortgage recorded against the succession of the said deceased François Cousin, Senior; but the vendor here declares that the original lots of ground which together form the lot situate on Bason Carondelet, and all the buildings thereon are mortgaged in favor of the Navigation Company, to secure the punctual payment as well of the sale constituted on the price for which the said lots were sold, as of the original price, and the faithful execution of the obligations, under which the said lots were originally sold by the said Company, of which mortgage the purchaser has a perfect knowledge, and assumes the reversion thereof.

Thus done and passed at the city of New Orleans, in the office, this 10th day of February, 1820, and in the 44th year of the American Independence, in the presence of Messrs. Felix de Armas and Alphonse Robin, competent witnesses who have hereunto signed, with the parties and me notary after reading the whole.

(The original is signed,) TE. CARRIERE,
F. COUSIN,
FELIX DE ARMAS,
A. ROBIN,
MICHEL DE ARMAS,
Not. Pub.

A true copy from the original on file in the archives of the late Michel de Armas, Notary, which are now in my custody. In faith whereof I have hereunto set my hand and affixed my seal, this 10th October, 1851.

(Signed) JNO. CLABORNE,
Not. Pub.

Sale of plantations, slaves, &c., from T. Carriere in his capacity, to François Cousin, the son.

(*Translation No.* 11. *Vide page* 57.)

This day, seventeenth of the month of May, of the year 1849, and the 73rd of the Independence of the United States of America, before Louis T. Caire, Notary Public, in and for the city and Parish of New Orleans, duly commissioned and sworn, and in presence of the witnesses herein after named and undersigned, personally appeared, Mr. Michel de Armas residing in this city, herein acting in the capacity of Deputy Sheriff of the Parish of Orleans, who declared that on the 12th instant, by virtue of a decree rendered by the Hon. the Second District Court of New Orleans, on the 3rd April last, in the matter of the succession of the late Louis Donet, and on the petition presented by Mrs. Widow Donet as well in her own name as in that of Tutrix of her minor children, the said appearer, in his aforesaid capacity, and after the legal publications and advertisements required by, an act of the Legislature of this State, approved the 16th March 1843, he offered at public sale, at 12 o'clock M., at the St. Louis Exchange, St. Louis street in this city, for the purpose of making a partition, a certain tract of land situated on the Bonfouca, Parish of St. Tammany, hereafter more fully described, and that at said sale, Mr. Nelson Fouché, acting in the name and for account of Mr. Terence Carriere, being the last and highest bidder, the said property was adjudicated to him. to wit: A tract of land designated by the No. "Two," for the sum of two thousand five hundred dollars payable one third cash, and the balance on a credit of six, twelve, eighteen, and twenty-four months, in notes bearing six per cent. interest from the day of the adjudication until final payment, and secured by mortgage upon the property sold, as will more fully appear by reference to the proces-verbal of sale deposited in this office by the said Michel de Armas, and annexed to an act of sale dated this day, being a sale from the said succession Donet to Eugene Pichon.

Now therefore, and by virtue of the said adjudication, the said Michel de Armas in his aforesaid capacity, has declared that he does sell, cede, convey, thransfer and abandon unto the said Térence Carrieré, residing on the Bonfouca, Parish of St. Tammany, in this State, but now in this city, here present and accepting purchaser for himself, his heirs and assigns, all the rights, actions and pretentions of

whatever nature they may be, which the widow and heirs of the late Louis Donet, had and may have in and to a tract of land designated by the No. two, on a plan exhibited on the day of the public sale, and deposited in the Sheriff's office, containing seven hundred superficial arpents; bounded on the upper limit by the property of Mr. Térence Cousin, and on the lower limit by that of Mr. Evariste Blanc; the said land divided in two lots, designated by the Nos. one and two, on the plan above mentioned. The land above described belonged to the late Louis Donet, in his life time, by means of the purchase he made thereof, he being the last and highest bidder on the 5th November, 1827, at the public sale made by the Hon'ble Jessee R. Jones, Judge of the Parish of St. Tammany, as it appears from the act of sale exhibited to us, and which was immediately returned to the said Mr. Pichon, purchaser of the lot No. one, above mentioned. This sale made by the Hon'ble Jessee R. Jones, took place by virtue of a Judgment rendered by the Court of Probates of the Parish of St. Tammany, in order to operate a partition between François Cousin, Louis Donet and the succession of Mrs. Rouquette.

This sale is made in conformity with the adjudication aforesaid, for the sum of two thousand five hundred dollars, payable one-third cash and the balance at six, twelve, eighteen and twenty-four months, dating from the day of the adjudication, on account of which sums the purchaser, the said Carriere has paid in current money of the United States, counted and delivered out of the presence of the Notary and undersigned witnesses, the sum of eight hundred and thirty-three $\frac{33}{100}$ dollars, to the said Mr. Michel de Armas, in his capacity aforesaid, who hereby acknowledged the receipt thereof, and for the balance, to wit: the sum of sixteen hundred and sixty-six $\frac{66}{100}$ dollars, the said purchaser has furnished four notes, dated on the 12th of May, inst; the day of the adjudication, subscribed by him to the order of and endorsed by Mr. Térence Cousin, each for the sum of four hundred and sixteen $\frac{66}{100}$ dollars, bearing interest at the rate of six per cent. per annum from date, until final payment, and payable respectively at six, twelve, eighteen and twenty-four months from their date, which notes after having been paraphed ne varietur by me Notary, to identify them with this act, were delivered to the said Michel de Armas in his aforesaid capacity, who acknowledges receipt thereof and grants, acquitances and discharge. To secure the payment of the said notes, principal and interest, the tract of land hereby sold and the improvements thereon, are specially mortgaged and hypothecated in favor of the vendors or of the holders of the said notes, the said purchaser, Mr. Carriére hereby binding himself not to sell, alienate or mortgage the above described property to the prejudice of this mortgage.

In consideration of all which the said de Armas subrogates the purchaser to all rights and titles whatever the said widow Donet, the heirs of the late Louis Donet and the said Donet himself, had and might have in and to the tract of land herein sold, and also to all rights of warranty which they might have against their vendors or

preceding owners, fully authorizing the said purchaser to enjoy and exercise the said rights in their lien and place by virtue of these presents.

It appears from the certificate of the Recorder of Mortgages for the Parish of St. Tammany, transcribed at the foot of the proces-verbal of sale, annexed as aforesaid, that there is no mortgage recorded against the succession of the said Louis Donet, nor in the name of Mrs. Louise Donet, wife of Mr. Cyprien Dufour, Claire Adéle Donet, Oscar Donet, Amenàide Donet and Armentine Donet.

Done and passed in the office at New Orleans, the day, month and year above written, in presence of Messrs. Henry Droz and Louis Emmanuel Laloire, witnesses here present and domicilated in this city, who have signed with the parties, and me Notary after reading the whole.

(Signed) T. CARRIERÈ,
MICH'L DE ARMAS,
Dy. Sheriff.
H. DROZ,
LOUIS E. LALOIRE,
LOUIS T. CAIRE,
Not. Pub.

A true Copy from the Original on file in my office.

In faith whereof I have signed these presents and thereunto affixed my seal of office at New Orleans, this 22d day of June, 1849.

(Signed) LOUIS T. CLAIRE,
Not. Pub.

"Sale of a piece of land, by the succession of Louis Donet to Terrence Carrierre."

(*Translaton No.* 12. *Vide pages* 64 *&* 65.)

"29*th October*, 1790.

"To Louis Antonio L. Blanc, twenty arpents front of land, with the ordinary depth of forty, situated on the other side of the lake, in the place commonly called Bayou Liberty—bounded on one side by Isaac Dubuisson, and on the other by the domain of his Majesty."

I acknowledge by these presents to have sold to Mr. François Cousin, a planter of Bayou Lacombe, all the lands which may belong to me or to my son Evariste Le Blanc, of which the said Cousin may dispose, from this moment as of his own property, and do with it, what he may seem fit.

LOUIS BLANC.

Bayou St. John, March 24th, 1826.

N. B.—I have delivered to the said Mr. Cousin all the titles, in relation to said lands, which were in my possession.

"To his Excellency The Governor General, &c., Anoxes Beltran, a resident of this Province, most respectfully represents unto your Excellency, that having settled on the other side of the Lake, on the other side of the Bayou Liberty, going up, on a piece of land, which is not sufficient for his cattle, he would desire your Excellency to grant him a Concession of twenty arpents front, in the same region, bounded on one side by the *Purgas* (the word *Purgas* can't be made out,) and on the other by the domains. I therefore pray your Excellency to grant me twenty other arpents in the region above mentioned, a favor which I hope to receive from the known kindness of your Excellency.

New Orleans, June 6th, 1787.

7th June, 1787.

The Surveyor General of this province will locate this party's grant, upon twenty arpents front by the ordinary depth of forty, in the place prayed for, provided the lands be vacant, and no prejudice be caused thereby—with the express conditions that the necessary roads and clearings shall be made within the term of one year—this Concession to be null, if at the expiration of three years from its date the land is not settled; and that said grantee shall not alienate the same during said time.—Upon the fulfilment of all which, you shall make the survey which you will hand over to me to establish in favor of such grantee his corresponding title in due form.

(Signed) ESTEVAN MIRO.

I, the undersigned do acknowledge that I have well and truly ceded as in fact I do by these presents cede unto Mr. Evariste Le Blanc the concession of land which was granted me by the Governor General, agreeably to the above memorial, which I also deliver unto the said Le Blanc. So that he may use the same as his title to this present concession when and where need be.

Bayou S. John, this —— January, 1797.

(Witnesses) E. ROYNEQUE,
Z'TE CHALON.

I declare by the present writing that I have sold to Mr. François Cousin, a planter on the Bayou Lacombe, the land hereabove mentioned, which he has paid me in Cash,—it being the sum of one hundred dollars.

(Signed) LOUIS BLANC.

Bayou St. John, 24th March, 1806.

(*Translation No.* 13. *Vide page* 69.)

To Evariste Blanc, the son, twenty arpents of land front, with a depth of forty, situated on the other side of the Lake on the Bayou

Liberty, bounded on one side by land of the father of the grantee, and on the other by land of Fran'co Dubuisson.

(*Translation No.* 14. *Vide page* 69.)

"Record of the First Decrees of Concessions of Land. No. 2"

"*December* 21*st*, 1787.

To Joseph Maria de la Barba, Keeper of the National Artillery Stores of this Province, 25 arpents of land front by a depth of forty, situated on the other side of the lake Ponchartrain, on the Bayou commonly called "Bayou Liberty, bounded on one side by the lands of Mr. Dubuisson, and on the other by the domains of his Majesty."

(*Translation No.* 15. *Vide page* 70.)

"Record of the First Decrees of Grants of land. No. 4."

"20*th October*, 1790.

"To Louis Ant'o Blanc—20 arpents of land front, with the ordinary depth of forty, situated on the other side of the lake, in the place commonly called Bayou Liberty, bounded on one side by Fran'co Dubu'sson, and on the other by the domain of his Majesty."

(*Translation No.* 16. *Vide pages* 70 *&* 71.)

"29th October, 1790.

To Louis Antonio Le Blanc, twenty arpents of land front by the ordinary depth of forty, situated in the other side of the lake on the place commonly called Bayou Liberty bounded on one side by Fran'co Dubuisson, and on the other by his Majesty's domains."

I hereby declare that I have sold to Mr. Francois Cousin. an inhabitant of the Bayou Lacombe, all the lands which may belong to me or to my son Evariste Le Blanc, of which the said Cousin may dispose from this moment, as belonging to him, and do what he pleases with it.

LOUIS BLANC.

Bayou St. John, 24th March, 1806.

N. B.—I have delivered to the said Cousin all the titles in relation to said lands, which were in my possession.

To His Excellency the Governor General, &c.

Andres Beltran a resident of this Province, most respectfully represents unto your Excellency, that having settled on the other side of the lake, on the right hand side of the Bayou Liberty, going up, on a piece of land, which is not sufficient for his cattle, he would desire your Excellency to grant him a concession of twenty arpents front, in

the same vicinage, bounded on one side by the *Pargas* (the word *Purgas* can't be made out), and on the other by the domains. He therefore prays your Excellency to grant him twenty arpents in the vicinage above mentioned, a favor which he expects to receive from the known kindness of your Excellency.

New Orleans June 6th, 1787.

7th June, 1787.

The Surveyor General of this province will locate this grant upon the twenty arpents front by the ordinary depth of forty, within the vicinage prayed for provided the lands be vacant, and no prejudice be caused thereby, with the express conditions that the necessary roads and clearings shall be made within the term of one year. This concession to be null, if at the expiration of three years from its date the land is not settled; and the said grantee shall not alienate the same during said time. Upon the fulfilment of all which, you shall make the survey which you will hand over to me, to establish in favor of the said grantee his corresponding title in due form.

(Signed) ESTEVAN MIRO.

I the undersigned do acknowledge that I have well and truly ceded as in fact I do by these presents cede unto Mr. Evariste Le Blanc, the concession of land which was granted to me by the Governor General, agreeably to the above memorial, which I also deliver unto the said Le Blanc so that he may use the same as his title to this present concession, when and where it may be necessary.

Bayou St. John, this 17th January, 1787.

(Witnesses) E. REYNEQUE,
Z'TE CHALON.

I declare by the present writing that I have sold to Mr. Francois Cousin, an inhabitant of Bayou Lacombe, the land hereabove mentioned, which he has paid me in cash, it being the sum of one hundred dollars.

(Signed) LOUIS BLANC.

Bayou St. John, this 17th January, 1787.

(*Translation No.* 17.—*Vide pages* 88, 89 *&* 90.)

We the undersigned, heretofore Surveyor General of the Province of Louisiana, for his Catholic Majesty, certify and declare that in the year one thousand seven hundred and eighty four or five, Mr. François Cousin presented us four decrees of concessions, forming together a front of forty arpents on the right side of the Bayou Lacombe by a depth of one hundred and twenty arpents, all which I certify having at that time recorded those same decrees, which records were destroyed by fire in the year 1788.

CHARLES TRUDEAU.

29th October, 1790.

To Louis Antonio Blanc twenty arpents of land frsnt, by the ordinary depth of forty, situated on the other side of the lake, on the place commonly called Bayou Liberty, bounded on one side by Isaac Dubuisson, and on the other by his Majesty's domains.

I hereby declare that I have sold to Mr. François Cousin an inhabitant of the Bayou Lacombe all the lands which may belong to me or to my son Evariste Le Blanc, of which the said Cousin may dispose from this moment, as belonging to him, and do what he pleases with it.

LOUIS BLANC.

Bayou St. John, 24th March, 1806.

N. B.—I have delivered to the said Cousin all the titles in relation to said lands which were in my possession.

To His Excellency the Governor General, &c.

Anoxes Beltran, a resident of this province most respectfully represents unto your Excellency, that having settled on the other side of the lake on the right hand side of the Bayou Liberty, going up, on a piece of land which is not sufficient for his cattle, he would desire your Excellency to grant him a concession of twenty arpents front, in the same vicinage bounded on one side by the *Pargas* (the word *Purgas* can't be made out), and on the other by the domains. He therefore prays your Excellency to grant him twenty other arpents in the vicinage above mentioned, a favor which he expects to receive from the known kindness of your Excellency.

New Orleans, June 6th, 1787.

June 7th, 1787.

The Surveyor General of this province will locate this grant upon the twenty arpents front by the ordinary depth of forty, within the vicinage prayed for, provided the lands be vacant, and no prejudice be caused thereby, with the express conditions that the necessary roads and clearings shall be made within the term of one year. This concession to be null, if at the expiration of three years from its date the land is not settled; and the said grantee shall not alienate the same during said time. Upon the fulfilment of all which, you shall make the survey, which you will hand over to me, to establish in favor of the said grantee, his corresponding title in due form.

(Signed) ESTEVAN MIRO.

I, the undersigned, do declare that I have well and truly ceded, as in fact I do by these presents cede unto Mr. Evariste Le Blanc, the concessions of land which was granted to me by the Governor General according to the above memorial, which I also deliver unto the said